

Case: State of Missouri v. Darren Wilson

Transcript of: Grand Jury Volume V

**Date:** September 16, 2014

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STATE OF MISSOURI

VS.

DARREN WILSON

GRAND JURY

SEPTEMBER 16, 2014

VOLUME V

1                   IN THE CIRCUIT COURT OF ST. LOUIS COUNTY

2                                 STATE OF MISSOURI

3

4         STATE OF MISSOURI

5

6

7         vs.

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9         DARREN WILSON

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12                 The following is a hearing before the Grand  
13         Jury of St. Louis County, at the offices of St.  
14         Louis County Prosecuting Attorney's Office, 100  
15         South Central Avenue, in the City of Clayton, State  
16         of Missouri, on the 16th day of September, 2014,  
17         before

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1 APPEARANCES OF COUNSEL:

2

3 FOR THE STATE:

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5 Assistant Prosecuting Attorneys for St. Louis

6 County

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1 GRAND JURY HEARING

2 MS. ALIZADEH: Good morning, everyone.

3 This is September 16th, 2014, it is about 8:35 a.m.

4 This is Kathi Alizadeh with the prosecutor's office,

5 Sheila Whirley is present, as well as all 12 grand

6 jurors, and the court reporter is present taking

7 down and recording what is being said.

8 Some housekeeping notes to start. I'm

9 going to pass out to you all, you all are going to

10 receive a copy of a statute. It is section 563.046,

11 and it is, it says law enforcement officers use of

12 force in making an arrest. And it is the law on

13 what is permissible, what force is permissible and

14 when in making an arrest by a police officer.

15 I also want to point out to you, I know

16 you have probably heard or know that there also is a

17 joint federal investigation that's going on at the

18 same time.

19 And several of our witnesses that you are

20 going to hear from are also being interviewed by FBI

21 agents or federal agents. And I want you to make

22 sure you understand the issues that are before you,

23 may be different than the issues in any federal

24 investigation.

25 Their investigation involves civil rights

1 violations. This investigation involves whether  
2 there is criminal liability on the part of the  
3 officer involved in the shooting.

4 So I can't tell you what the law is on the  
5 civil rights issues, but don't be confused about,  
6 you know, for example, what are the policies of the  
7 police department necessarily doesn't have anything  
8 to do with your decision. You certainly have the  
9 right to know these things if you wish to know these  
10 things, but keep in mind that there is a separate  
11 and distinct investigation going on by the feds  
12 involving civil rights violation or potential civil  
13 rights violation.

14 The other thing is, I messed up. I'm not  
15 perfect. Sheila will tell you that I'm not, but  
16 we've been marking our exhibits and normally when I  
17 have a trial I have all of my exhibits beforehand  
18 and I mark them all beforehand and I try to be very  
19 meticulous about my numbers. I have kind of been  
20 marking these as I go. This has all been coming in  
21 as we go, so I screwed up on the numbers. So I just  
22 want to clarify for the record in case you are  
23 keeping track of numbers.

24 Apparently I have two Grand Jury Exhibits  
25 10.

1                   So one is Detective                   photographs,  
2   he's the crime scene detective that went to the  
3   hospital and photographed Darren Wilson and the  
4   other one is a disc that I played for you that had  
5   Dorian Johnson's recorded statement.

6                   I'm going to keep                   photograph as  
7   being Number 10 and I am now going to make that disc  
8   of statements, it is going to be Number 17.

9                   And then apparently I have two Number 9s.  
10   One Number 9, I don't know that I have used with you  
11   all yet. I have marked it, and it is a set of  
12   printed photographs that were taken by the morgue  
13   personnel, not the autopsy photos that we saw during  
14   Dr.                   testimony. These were separate  
15   photos that were taken by the employees at the  
16   Medical Examiner's Office in the morgue that are  
17   different than the autopsy photos. And those are  
18   going to remain Number 9.

19                   The other Number 9 I have was a disc that  
20   had the news clips on it that we showed where Dorian  
21   Johnson had been interviewed or made certain  
22   statements on television programs. And so that disc  
23   is now going to be Number 16.

24                   Unless you all see another issue or  
25   problem, I think right now we have 1 through 17.

1 You might not have seen all of those, but as far as  
2 I know I don't have any duplicates other than that.

3 So I'll try to be a little more organized  
4 in numbering of the exhibits.

5 Does anybody see any other issues with  
6 duplicate numbers?

7 Okay. And then as we told you at the  
8 beginning of every day, we are just going to kind of  
9 give you a preview of what we are going to do. And  
10 so first we're going to listen to a recorded  
11 statement. The person being interviewed is a  
12 sergeant with the Ferguson Police Department, his  
13 name is He was the sergeant on duty  
14 on the date of the shooting and he was Darren  
15 Wilson's direct supervisor.

16 You will hear his statement. It is about  
17 an hour long. And then following his statement,  
18 Sergeant will be here to testify.

19 After that, we will present the testimony  
20 of Detective , who is a St. Louis County  
21 police detective, regarding an interview that he did  
22 of Darren Wilson.

23 And then we are going to present the  
24 testimony of

25

1                   And she is an FBI agent and she also  
2    did an interview of Darren Wilson.

3                   Then we will also present a recorded  
4    interview of Darren Wilson for you to listen, that's  
5    about 30 minutes.

6                   And then finally, I anticipate that the  
7    afternoon will have Darren Wilson testifying for you  
8    this afternoon.

9                   The morning is basically going to be  
10   statements that he has made during this  
11   investigation from various people and then he will  
12   be here to testify and answer your questions in the  
13   afternoon, all right?

14                  So with that being said, the next piece of  
15   evidence is a disc that I have marked as Grand Jury  
16   Number 18.

17                               (Deposition Exhibit Number 18  
18                               marked for identification.)

19                  MS. ALIZADEH: One of the things that I  
20   will tell you that these discs that contain  
21   statements of various individuals, I mean, you will  
22   hear me use these discs repeatedly because one disc  
23   might have 12 witnesses statements on it. I will  
24   make sure I preface before we begin to play it whose  
25   statement it is.

1           When you put the disc in the computer and  
2   open up the file, it lists the names of everybody  
3   who has made a statement on that disc. They are  
4   pretty recognizable if you would have any need to  
5   listen to a particular statement, it would be easy  
6   to do that.

7           But there are a number of witness  
8   statements on each of these discs, that's the way we  
9   received them.

10          Also, we do not have a transcript of this  
11   first statement. I've listened to it and it is  
12   fairly clear. I don't think it should be an issue,  
13   but at any time you all can't hear it or want us to  
14   go back a couple of seconds or 30 seconds or a  
15   minute if you miss something, that's easy enough to  
16   do, all right?

17          We are going to play for you Grand Juror  
18   Number 18 and it is the recorded statement of  
19   Sergeant

20               (Statement is being played.)

21           MS. ALIZADEH: And as always --

22           And, again, this was Disc Number 18 that  
23   you heard a recorded statement of                   It  
24   will be available for you to listen to again at this  
25   time during your investigation.

Page 11

1                         :                         . I want to just  
2 doublecheck make sure that audio was recorded and  
3 the interview took place on August 14th, is that  
4 what, I just want to make sure.

5 MS. ALIZADEH: I don't recall. I'd have  
6 to listen to it again since I don't have a  
7 transcript handy.

8 I thought they said the  
9 19th.

10 : The date that the  
11 interview took place.

12 The date, I think it was  
13 the 19th.

14 : I have the 19th.

15 MS. ALIZADEH: We certainly can put that  
16 in and play the very beginning of it again just to  
17 clarify the date.

18 : Okay.

19 : August 19th.

20 : Okay. They got it in their  
21 notes.

22 : I trust her.

23 MS. WHIRLEY: Certainly can ask Sergeant  
24 he will be there.

25 MS. ALIZADEH: At any time you can listen

1 to any parts of these.

2 (Recess)

3

4 of lawful age, having been first duly sworn to

5 testify the truth, the whole truth, and

6 nothing but the truth in the case aforesaid,

7 deposes and says in reply to oral

8 interrogatories, propounded as follows, to-wit:

9 EXAMINATION

10 BY MS. ALIZADEH:

11 Q Would you state your name and spell it for  
12 the court reporter, please?

13 A My name is

14 Q Where are you employed?

15 A City of Ferguson Police Department.

16 Q How long have you been a police officer?

17 A 38 years.

18 Q Have all of these 38 years been with the  
19 Ferguson Police Department?

20 A Yes, ma'am.

21 Q Where did you get your training to become  
22 a police officer?

23 A I attended the greater St. Louis Police  
24 Academy in 1976.

25 Q And do you, are you a certified police



1 officer?

2 **A** Yes, ma'am, I am.

3 **Q** And do you have to undergo regular  
4 training and updates to keep that certification?

5 **A** Yes, I do.

6 **Q** And currently, what is your rank with the  
7 Ferguson Police Department?

8 **A** I'm sergeant of police.

9 **Q** How long have you been a sergeant?

10 **A** December 2002, no, December 2001.

11 **Q** What are your duties and responsibilities  
12 as a sergeant with the Ferguson Police Department?

13 **A** Currently I'm a squad supervisor.

14 **Q** Were those duties similar in August of  
15 this year?

16 **A** Yes, ma'am.

17 **Q** 2014?

18 **A** Yes, ma'am.

19 **Q** Was Darren Wilson one of the officers that  
20 you supervised?

21 **A** Yes, ma'am, he is.

22 **Q** Now, just in the interest of full  
23 disclosure, you and I had a conversation yesterday  
24 about your testimony today, correct?

25 **A** That is correct.

1           **Q**     You've not prepared a report, an incident  
2     report in relation to this shooting, have you?

3           **A**     No, ma'am, I have not.

4           **Q**     So did I have you come in, and you and I  
5     talked about what you knew, what you saw, what you  
6     might be able to testify about, correct?

7           **A**     That is correct.

8           **Q**     And previously you were interviewed by a  
9     county detective as well as an FBI agent, an  
10    attorney from the Department of Justice, and gave a  
11    tape recorded statement; is that right?

12          **A**     Yes, ma'am.

13          **Q**     Now, I didn't play that statement for you  
14    yesterday, did I?

15          **A**     No, ma'am.

16          **Q**     And since you gave that statement, have  
17    you ever heard that recorded statement again?

18          **A**     No, ma'am.

19          **Q**     And do you think that the events of  
20    August 9th, 2014, are still clear in your mind?

21          **A**     Yes, ma'am.

22          **Q**     So that day we've heard, we know a little  
23    bit about the shift and how many officers were  
24    working that day, Darren Wilson was working on your  
25    squad that day; is that right?

1           **A**     That is correct.

2           **Q**     And his shift would have been from 6:00  
3 a.m. to 6:00 p.m.?

4           **A**     Actually 6:30 a.m. to 6:30 p.m.

5           **Q**     Is that the entire squad has that same  
6 shift; is that right?

7           **A**     That is correct.

8           **Q**     And we know that you received a call at  
9 some point to go to the area of the Canfield Green  
10 Apartments; is that right?

11          **A**     Yes, ma'am.

12          **Q**     And at the time that you received that  
13 call, you were on duty; is that right?

14          **A**     Yes, ma'am.

15          **Q**     And you were actually at a call at that  
16 time, correct?

17          **A**     Yes, ma'am.

18          **Q**     Did you know what the nature of why it was  
19 that you were being asked to respond to that scene?

20          **A**     No, ma'am.

21          **Q**     Is there any kind of code that your police  
22 department uses to indicate that there's some kind  
23 of critical incident that may have occurred?

24          **A**     We have a J code, J-1 would be immediate  
25 response.

1           **Q**     Now, is Ferguson Police Department  
2     dispatched by their own dispatchers?

3           **A**     Yes, ma'am, we have our own dispatching  
4     staff.

5           **Q**     I want you to make sure you keep your  
6     voice up so everybody can hear you because with the  
7     fans sometimes it is kind of hard. That mike is  
8     recording, it is not necessarily amplifying your  
9     voice, okay?

10          **A**     Understood.

11          **Q**     So you don't go through county's dispatch,  
12     you have your own dispatching system, correct?

13          **A**     Correct.

14          **Q**     And are you aware that on your radios you  
15     can get county dispatch channels?

16          **A**     We have several various channels on our in  
17     car radios and on our walkie-talkies.

18          **Q**     As you are dressed today, you have a  
19     uniform on, is that how you would have been dressed  
20     that day?

21          **A**     I was in short sleeves and no tie, but  
22     yes, ma'am.

23          **Q**     And I see that you have a mike that is  
24     clipped to your epaulet on the shoulder of your  
25     uniform shirt?

1           **A**     Yes, ma'am.

2           **Q**     Is that how you carry that all the time?

3           **A**     Yes, ma'am.

4           **Q**     And is there, is that mike attached then  
5 to a portable or mobile walkie-talkie?

6           **A**     Yes, it is.

7           **Q**     And does that radio on your belt have the  
8 same channels or can it get the same channels that  
9 your police vehicles can get?

10          **A**     That is correct.

11          **Q**     And so when you're on duty, is there a  
12 particular channel that you just stay on so that you  
13 can hear the radio traffic and what's going on in  
14 Ferguson?

15          **A**     We have a primary channel and we are  
16 usually on that during our work shift.

17          **Q**     What's the primary channel?

18          **A**     The frequency?

19          **Q**     Is there a number like?

20          **A**     It is Channel 1.

21          **Q**     Okay. Let me ask you this. When there  
22 are officers out in the City of Ferguson patrolling  
23 and an officer uses his radio on Channel 1 and says  
24 something regarding a call or just anything, hey,  
25 I'm going out of service, I am going to go get

1 dinner, does everybody that's carrying a  
2 walkie-talkie hear that then?

3 **A** Not necessarily.

4 **Q** Do you know why that is?

5 **A** Well, the walkie-talkies are only 5 watt  
6 transmission power. If they are out in the far  
7 sector or far enough away from a receiver, not  
8 everybody will hear it. Dispatch will hear it  
9 because the receivers will transfer that message to  
10 them, but not necessarily broadcast it out through  
11 the entire area.

12 **Q** Okay. Now, you now know as you sit here  
13 today that there was an incident that occurred at  
14 the Ferguson Market shortly before this shooting  
15 incident involving Officer Wilson, you now know  
16 about that, correct?

17 **A** Yes, I do.

18 **Q** That day when you were in service and on  
19 duty, did you hear any radio calls involving a  
20 larceny in progress or that there was officers  
21 responding to the Ferguson Market?

22 **A** No, ma'am.

23 **Q** And is that, do you think that's because  
24 wherever, if there was a call made, that that was  
25 just something that you were out of range to

1 actually have heard?

2           **A**     It could have been because I was tied up  
3 with another situation that I was trying to deal  
4 with.

5           **Q**     And so is it, and we've all kind of seen  
6 this, I think, as you are walking around, you can  
7 have the volume turned up on your mobile  
8 walkie-talkie so that you hear what's being  
9 transmitted, correct?

10          **A**     That is correct.

11          **Q**     Are there times when you might be  
12 interacting with somebody or in a situation where  
13 you turn that volume down so that that noise doesn't  
14 interrupt what you are doing?

15          **A**     Yes, ma'am. Usually when I'm on the  
16 telephone or I'm trying to get control of a  
17 situation, I may turn the volume down so that they  
18 can hear just me speaking.

19          **Q**     Okay. But at any rate, you didn't hear  
20 the call that came out if the call came out that  
21 there was something going on or taken place at the  
22 Ferguson Market, is that fair to say?

23          **A**     Correct.

24          **Q**     And then while you were on this call, you  
25 did receive a call to respond to the Canfield Green

1 Apartment complex, correct?

2 A Yes, ma'am.

3 Q And was there any mention, did that call  
4 come to you from an officer or did that come from  
5 dispatch?

6 A That came from dispatch.

7 Q And prior to getting that call, had you  
8 heard any transmissions by Officer Wilson?

9 A No, ma'am.

10 Q And so when you got that call, was there a  
11 code with that call that meant respond immediately?

12 A I was told that I was needed at the  
13 intersection of Canfield and Copper Creek  
14 immediately.

15 Q Immediately?

16 A Uh-huh.

17 Q And so did you then finish up what you  
18 were doing or did you leave immediately and respond?

19 A I turned the scene over to the first  
20 responding officer and I left immediately.

21 Q So there was, the scene you were at at  
22 that time, there was another police officer also  
23 working that scene?

24 A Yes, ma'am.

25 Q And so you left then immediately and



1       responded to the Canfield Apartment complex?

2           **A**     Yes, ma'am.

3           **Q**     And about how long, how far away were you,  
4       like how many minutes did it take you to get there?

5           **A**     It took me probably about two, two and a  
6       half minutes. I mean, travel time, not travel time,  
7       but travel distance was probably three quarters of a  
8       mile.

9           **Q**     Okay. So you were really close?

10          **A**     Yes, ma'am.

11          **Q**     And when you got to that location, you've  
12       been patrolling the street of Ferguson for 38 years,  
13       is that fair to say?

14          **A**     Yes, ma'am.

15          **Q**     Very familiar with all the streets and how  
16       to get around?

17          **A**     Yes, ma'am.

18          **Q**     When you arrived at that location, did you  
19       come in off of West Florissant down Canfield or did  
20       you come in like the back way through the  
21       Northwinds?

22          **A**     Northwinds Apartment.

23          **Q**     Did you come in the back way?

24          **A**     No, I came in from West Florissant on  
25       Canfield.

1           **Q**     So when you were going down Canfield, at  
2     that point you are going east on Canfield?

3           **A**     Yes.

4           **Q**     I know Canfield kind of winds, isn't  
5     necessarily a straight shot, you are heading in the  
6     general vicinity of east?

7           **A**     Yes, ma'am.

8           **Q**     Were you in a marked police vehicle?

9           **A**     Yes, ma'am, I was.

10          **Q**     Did you go to the scene with emergency  
11     lights and sirens on?

12          **A**     I don't recall. I believe the traffic was  
13     relatively sparse at that time, I don't believe it  
14     was needed.

15          **Q**     Okay. So when you arrived at the scene,  
16     did you see Mr. Darren Wilson's vehicle?

17          **A**     Yes, ma'am, I did.

18          **Q**     Did you notice any other vehicles, whether  
19     it be police officer vehicles or other just civilian  
20     vehicles?

21          **A**     I saw two other police vehicles.

22          **Q**     All right. I guess for, as far as the  
23     police vehicles in Ferguson, we know that Officer  
24     Wilson had a Tahoe?

25          **A**     Yes, ma'am.

1           **Q**     And did you also have a Tahoe?

2           **A**     Yes, ma'am.

3           **Q**     Are all the police vehicles in Ferguson  
4     Tahoes?

5           **A**     Primarily the entire fleet are Tahoes, but  
6     we also have a secondary fleet of Crown Victorias.

7           **Q**     So the two police vehicles that you saw  
8     there, besides Officer Wilson, which we've seen  
9     pictures of, were those also marked Tahoes?

10          **A**     Yes, ma'am.

11          **Q**     So when you got there, you notice Officer  
12     Wilson's vehicle, which direction was it facing in  
13     the street?

14          **A**     It was kind of catty-corner to the, or  
15     angular to the traffic lane, but it was pointing  
16     more in a westerly direction.

17          **Q**     Towards West Florissant?

18          **A**     Yes, ma'am.

19          **Q**     And were the lights on on his vehicle at  
20     all?

21          **A**     No, ma'am.

22          **Q**     Siren in his vehicle?

23          **A**     No, ma'am.

24          **Q**     What about the other two Durangos, (sic)  
25     can you describe where those were, were they on

1 Canfield?

2 **A** Yes, ma'am, they both were on Canfield.

3 Both of them were further east than Officer Wilson's  
4 location.

5 **Q** And when you arrived at that location, did  
6 you see a body?

7 **A** Yes, ma'am.

8 **Q** And was that, where was that body or where  
9 were those two police vehicles in relation to the  
10 body?

11 **A** One police vehicle was beyond the location  
12 of the body parked across the traffic lane to  
13 prevent any vehicle from coming that direction and  
14 the second car was parked off to the right side of  
15 the roadway.

16 **Q** So the vehicle that was, I guess,  
17 perpendicular to the street, that would have been  
18 farther east of the body; is that right?

19 **A** Yes, ma'am.

20 **Q** And the entire time from the time you got  
21 there until the scene was cleared, did you ever  
22 observe Officer Wilson's vehicle move or be moved,  
23 other than when it was towed away?

24 **A** No, ma'am.

25 **Q** When you arrived there, do you recall was

1 the door to his vehicle, and I'm talking about  
2 Darren Wilson's vehicle, was any of the doors open?

3 **A** No, ma'am.

4 **Q** Did you see Darren Wilson?

5 **A** Yes, ma'am, I did.

6 **Q** Where was he?

7 **A** He was behind, he was on the driver's seat  
8 of the vehicle.

9 **Q** Of his vehicle?

10 **A** Yes, ma'am.

11 **Q** What about the other officers whose  
12 vehicles were at the scene, did you see where they  
13 were?

14 **A** I believe they were in a position to  
15 protect the area where the body was located.

16 **Q** Now at this time, and I know you don't  
17 know when everybody else got there, we know that two  
18 officers, obviously, responded prior to your  
19 arrival; is that right?

20 **A** Yes, ma'am.

21 **Q** Were those two officers, did you see them  
22 interact with Darren Wilson or did you see them  
23 talking to him at all?

24 **A** No, ma'am.

25 **Q** And did you, at that point have any crime

1 scene tape gone up?

2 **A** No, ma'am, not at that time.

3 **Q** And at that point, were there any cones in  
4 the street or around the area?

5 **A** One of the officers had placed a few cones  
6 around to indicate location of possible evidence,  
7 but not all the cones had been placed out yet.

8 **Q** Okay. And I asked you if you noticed were  
9 there any civilian vehicles, I know it is an  
10 apartment complex and there is parking lots, but I'm  
11 talking about in the street itself. Were there any  
12 civilian vehicles that were stopped in the street  
13 when you arrived?

14 **A** No, ma'am.

15 **Q** Did you notice any pedestrians, civilians  
16 that were on foot in the area?

17 **A** There were several pedestrians about the  
18 area.

19 **Q** When you say several, when you first  
20 arrived, give me an idea how many you think, an  
21 estimate how many you would say at the scene?

22 **A** I'd say 10 to 15.

23 **Q** Okay. Now, we've heard that there was  
24 obviously a larger crowd that gathered during the  
25 day and that there was some unstableness in the

1 crowd, but at this point, were those 10 to 15  
2 people, were they interfering at all, were they  
3 creating a disturbance?

4           **A**     They were making some noise regarding who  
5 the body was and it was at that point in time that I  
6 grabbed some crime scene tape out of my police  
7 vehicle, gave it to the two officers that were  
8 already there and told them to start setting up a  
9 perimeter to keep people back.

10           **Q**     And so at this point it is fair to say  
11 that you didn't know whose body was in the street,  
12 correct?

13           **A**     That is correct.

14           **Q**     And none of the other officers at this  
15 point had identified who was in the street, correct?

16           **A**     To the best of my knowledge, that's  
17 correct.

18           **Q**     And then other people that were gathering  
19 in the area, people were wondering who it was  
20 because maybe it was someone they knew or a loved  
21 one of their's, correct?

22           **A**     Yes, ma'am.

23           **Q**     So there was some agitation or stress  
24 involved with people that were there, they were  
25 concerned about who that was?

1           **A**     Yes, ma'am.

2           **Q**     When you arrived, was the body of Michael  
3     Brown covered?

4           **A**     No, ma'am.

5           **Q**     And so when you first arrived, were there  
6     any medical personnel, EMS?

7           **A**     I believe they showed up shortly after I  
8     did.

9           **Q**     And did the fire department also show up?

10          **A**     Yes, ma'am.

11          **Q**     And is that typical that when EMS is  
12     called, a firetruck or a rescue vehicle will also go  
13     to the call?

14          **A**     It actually depends on the call. If it is  
15     a more critical call, such as a life threat, a heart  
16     attack, difficulty breathing, yes, they would  
17     respond with the EMS personnel.

18          **Q**     So it is not unusual that on this type of  
19     call that the firetruck came too?

20          **A**     Not at all, no, ma'am.

21          **Q**     There was no fire or anything of that  
22     nature, correct?

23          **A**     Correct.

24          **Q**     Okay. Did those officers then begin to  
25     put up the crime scene tape to create the perimeter



1 around the crime scene?

2           **A**     The two police officers did, no other fire  
3 personnel or ambulance personnel.

4           **Q**     Now, at this point is Darren Wilson still  
5 in the vehicle?

6           **A**     Yes, ma'am.

7           **Q**     Did he get out of the car when you got  
8 there?

9           **A**     The only time he got out of the car is  
10 when I told him to get into my vehicle and leave the  
11 scene.

12          **Q**     Okay. So he stayed in his own car until  
13 you told him to take your car and go back to  
14 Ferguson Police Department?

15          **A**     That is correct.

16          **Q**     So going back now, we kind of got the  
17 scene what it looked like when you first got there,  
18 what's the first thing you did when you drove down  
19 the street and saw Darren Wilson's car facing you in  
20 the street the way it was?

21          **A**     I pulled off onto a driveway apron, right  
22 off the street, parked my car and then I walked over  
23 to speak with Officer Wilson.

24          **Q**     So contacting Officer Wilson was the first  
25 thing you did?

1           **A**     Yes, ma'am.

2           **Q**     But from where you were, could you see  
3     that there was a body in the street?

4           **A**     Yes, ma'am.

5           **Q**     And what did you say to Officer Wilson?

6           **A**     I initially asked him what had happened.

7           **Q**     Now, you and I talked yesterday about your  
8     recollection of Officer Wilson's statement. And we  
9     talked about the fact that sometimes when you are  
10    recounting a statement, you kind of like use your  
11    own words to paraphrase?

12          **A**     Correct.

13          **Q**     We also talked about that police officers  
14    have what we call like cop talk, where you use  
15    phrases and words that are typical in police lingo  
16    or vernacular, wouldn't that be fair to say?

17          **A**     Oh, yes, ma'am.

18          **Q**     And remember and recall that yesterday  
19    when you and I talked about this, it is important  
20    for today that you as best you can use Darren  
21    Wilson's words, don't try to paraphrase, don't try  
22    to put your spin on things. And I know I don't mean  
23    that you would do that intentionally, but if he  
24    didn't say that it was, you know, forceful or if he  
25    didn't use the words, try not to use your own words,

1     okay?

2             **A**     I understand.

3             **Q**     And so when you walked up, the best you  
4     can recall your words were, what happened?

5             **A**     That's what I asked him, yes, ma'am.

6             **Q**     All right. And as best you recall, what's  
7     the first thing he said to you?

8             **A**     He said I had to shoot him.

9                     I asked him why?

10                    He said he had been walking in the  
11     street, I told him to get off the sidewalk, or get  
12     on the sidewalk.

13                    I said okay.

14                    He said well, they told me to fuck  
15     off. I slowed my car down, or he slowed his car  
16     down and I told him, hey, all you got to do is get  
17     out of the street and get on the sidewalk.

18             **Q**     Okay. Now, let me stop you. You're  
19     saying I told them, so you are talking as Officer  
20     Wilson and that's good.

21             **A**     That is what he told me.

22             **Q**     That's how I want you to do this. So  
23     speak as best you can the way Officer Wilson spoke  
24     as if you were Officer Wilson?

25             **A**     Okay. And he said he stopped his vehicle

1 and he said the individual laying on the street came  
2 up to the side of his car and started hitting on him  
3 through the window.

4 I said hitting you?

5 He goes, yeah, he reached in, he hit me on  
6 the side of my face several times, and grabbed at my  
7 shirt, grabbed at my hands and arms.

8 He said I was trying to get out of the  
9 vehicle and he wouldn't let me out, he kept pushing  
10 the door closed.

11 The individual reached in and was trying  
12 to grab at his pistol, his pistol came out of his  
13 holster. He told me he had control of the weapon,  
14 but it was being pointed at him. He had the gun in  
15 his hand, but the muzzle of the weapon had been  
16 turned where his hand was actually turned toward  
17 him.

18 And he said he was still getting hit  
19 with one hand at times and there was a struggle over  
20 the gun. He said the weapon was, he didn't get  
21 control of the weapon, but he was able to turn the  
22 weapon away from himself and the firearm discharged.  
23 He said the gun went off.

24 Q Is that how he described it, the gun went  
25 off?

1           **A**     The gun went off.

2           **Q**     Or did he say I fired a shot?

3           **A**     No, he said the gun went off.

4           **Q**     Okay.

5           **A**     He said at that point the individual  
6 backed up away from the car and Darren thought he  
7 actually got shot, he said I think I shot him in the  
8 stomach. And I looked at the side of the car door,  
9 and there was no exit on the door, it was just a  
10 dimple in the sheet metal.

11                   I said what happened then?

12                   He said he started running, I got out  
13 of the car to chase after him. He said he got down  
14 about 30, 40 feet from where the car was parked and  
15 for some reason the individual stopped and turned  
16 toward him.

17                   I said okay.

18                   He said, at that point he said  
19 something to the effect of, you're too much of a  
20 pussy to shoot me and turned, he had faced him and  
21 started to charge at Officer Wilson.

22           **Q**     Did Officer Wilson use those words that he  
23 started to charge?

24           **A**     Yes, along with, said he had had an angry  
25 look in his face or in his eyes and he says I know

1     this man was bigger than me, I wasn't going to be  
2     able to fight him.

3           **Q**     What did he say happened next?

4           **A**     He said he shot him.

5           **Q**     I asked him how many times?

6           **A**     He says I think four.

7           **Q**     Now, were you recording his statement?

8           **A**     No, ma'am.

9           **Q**     Were you taking notes as he was giving you  
10     his statement?

11          **A**     No, ma'am, I did not.

12          **Q**     After his statement, did you go back to  
13     your department and write down notes to help you  
14     recall the statement?

15          **A**     No, ma'am, I did not.

16          **Q**     So this is from your memory of August 9th  
17     as far as what Darren Wilson told you and what you  
18     saw, correct?

19          **A**     That is correct.

20          **Q**     And Sergeant            have you been involved  
21     in investigations of police officer involved  
22     shootings?

23          **A**     Yes, ma'am.

24          **Q**     Have you investigated those incidents?

25          **A**     Yes, ma'am.

1           **Q**     Have you also been the subject of an  
2     investigation in a police officer shooting?

3           **A**     Yes, ma'am.

4           **Q**     So you've discharged your weapon at  
5     someone in your career?

6           **A**     Yes, I have.

7           **Q**     And, in fact, the incident that we're  
8     talking about was the courthouse shooting involving  
9                   ; is that right?

10          **A**     That is correct.

11          **Q**     Were you one of the officers that shot  
12                   ?

13          **A**     Yes, ma'am.

14          **Q**     Following that shooting, I don't want to  
15     get into the details of that, but were you asked by  
16     other investigators how many times you discharged  
17     your weapon that day?

18          **A**     Yes, ma'am.

19          **Q**     And what was your answer?

20          **A**     Three times.

21          **Q**     And so you thought you had fired three  
22     times, correct?

23          **A**     Correct.

24          **Q**     Did you later after having downloaded your  
25     weapon or have your weapon examined, did you later

1 discover how many times you actually did fire that  
2 day?

3 **A** Yes, ma'am.

4 **Q** How many times?

5 **A** Four times.

6 **Q** So on that day, you believed you fired  
7 your weapon three times and you discovered actually  
8 you fired it four times?

9 **A** Yes, ma'am.

10 **Q** And as you sit here today, do you still in  
11 your mind recall three shots?

12 **A** I still recall three shots.

13 **Q** And in your experience investigating  
14 officer involved shooting, is that unusual that the  
15 officer involved in the shooting does not accurately  
16 recount the number of shots that he fired?

17 **A** That is correct.

18 **Q** And I know you're not an expert and I'm  
19 not going to ask you about the mind of someone when  
20 they're going through that scenario, but you've  
21 actually been there, correct?

22 **A** That is correct.

23 **Q** You have a unique perspective that  
24 probably none of the other witnesses who are going  
25 to testify in this investigation have. When you are



1 involved in that type of critical scene, what is  
2 your focus and what's your training tell you to  
3 focus on?

4           **A**     You focus on your target. I'm sorry, not  
5 target, but you focus on whose angry at you, whose  
6 coming at you or whose trying to harm you.

7           **Q**     So would it be fair to say that you focus  
8 on the threat?

9           **A**     Yes, ma'am.

10          **Q**     And is it unusual or typical, I guess,  
11 that you kind of lose focus of other things that  
12 might be going on around you?

13          **A**     No, it is not unusual. You get kind of  
14 like tunnel vision. You only see, like you said,  
15 the threat.

16          **Q**     All right. And so let me ask you this.  
17 When Darren Wilson told you about, for example, he  
18 said that there were two men walking in the street  
19 and he told them to get on the sidewalk, did he tell  
20 you whatever became or happened to that other  
21 individual?

22          **A**     No, ma'am.

23          **Q**     Did you see, we now know Michael Brown was  
24 shot dead in the street, did you see the other  
25 individual at the scene who might have been the

1 individual that Officer Wilson saw walking with  
2 Michael Brown?

3 **A** No, ma'am.

4 **Q** Now, understanding how important this  
5 initial statement might be, is there a reason why  
6 you did not record his statement?

7 **A** Number one, I did not have a recorder.  
8 Number two, I didn't take notes because at that  
9 point in time I had multiple things going through my  
10 mind besides what Darren was telling me.

11 **Q** You've already said that before arriving  
12 at the scene you didn't even know that this was a  
13 shooting, would that be fair to say?

14 **A** Correct.

15 **Q** You didn't hear other radio traffic from  
16 other officers saying that there had been a  
17 shooting?

18 **A** No, ma'am.

19 **Q** So describe for the jurors how Darren  
20 Wilson appeared to you, his demeanor, first of all?

21 **A** He appeared in a state of shock. He was  
22 staring at the dashboard of his vehicle initially.  
23 It was only after maybe a couple of questions that  
24 he finally looked at me. I could see the side of  
25 his face, especially around his mouth starting to

1 puff up and swell. Also the same thing along the  
2 side of his left eye, see a mouse starting to grow.

3 His uniform shirt was disheveled,  
4 kind of pulled out of his waistband.

5 **Q** Did you notice any blood on him?

6 **A** No, ma'am, I did not notice any blood on  
7 him.

8 **Q** Did you ask him if he was shot or injured?

9 **A** Yes, I did.

10 **Q** What did he say?

11 **A** He said the only thing that he knew of was  
12 his face from being hit several times.

13 **Q** And you didn't see anything on him to  
14 indicate that he was bleeding?

15 **A** No, ma'am.

16 **Q** And so after you, at this point I'm kind  
17 of circling back now.

18 **A** That's okay.

19 **Q** He's told you that he pursued Michael  
20 Brown and Michael Brown stopped and turned in his  
21 direction and charged him. I'm just kind of  
22 catching up. So I know it was in a little more  
23 detail and then he shot him and Michael Brown went  
24 down on the street?

25 **A** Correct.

1           **Q**     What did Darren Wilson say he did then or  
2     did he say anything?

3           **A**     He didn't indicate anything other than he  
4     called it into the dispatch.

5           **Q**     All right. Now, when you were there, did  
6     you see anyone place a sheet over the body of  
7     Michael Brown?

8           **A**     Yes, ma'am, one of the paramedics  
9     initially put one sheet over Brown.

10          **Q**     Did you assist in that at all?

11          **A**     Not at that time, no, ma'am.

12          **Q**     Did that sheet completely cover the body  
13     of Michael Brown?

14          **A**     No, ma'am, it did not.

15          **Q**     Did you assist in getting other sheets to  
16     try?

17          **A**     Yes, I asked a paramedic if he had another  
18     sheet so I could fully cover Mr. Brown up, and  
19     actually he handed me two.

20          **Q**     Did you observe the paramedics approach  
21     the body and attend to the body of Mr. Brown?

22          **A**     I saw one approach the body, bent down and  
23     I guess checked for life signs. He got up maybe 10,  
24     15 seconds and just walked away.

25          **Q**     Do you know what a strip is?

1           **A**     Yes, ma'am.

2           **Q**     What is a strip?

3           **A**     It is a cardiac monitor like you see on TV  
4     that indicates heart rhythm or no rhythm at all.

5           **Q**     And you've seen paramedics use a strip  
6     before on someone that may still be alive?

7           **A**     Yes, ma'am.

8           **Q**     Or check for life signs?

9           **A**     That is correct.

10          **Q**     Did he do that in this case?

11          **A**     They did not.

12          **Q**     And other than that paramedic who had  
13     checked for life signs presumably, did you see  
14     anyone else, either law enforcement or any other  
15     civilians get close to the body?

16          **A**     There was a, I believe it was a copper  
17     projectile about 3 feet from his foot, his right  
18     foot and somebody walked over there and put a marker  
19     to make sure nobody kicked it or disturbed its  
20     location.

21          **Q**     Okay. So other than that, you didn't see  
22     anyone move the body, roll him over, reconfigure the  
23     way he was laying?

24          **A**     No, ma'am.

25          **Q**     And eventually, and you said in your

1 statement that you were at the scene until the scene  
2 was done, which would have been after 5:00?

3 **A** It was closer to 6:15, 6:30, yes, ma'am.

4 **Q** And now you are aware then that the body  
5 of Michael Brown lay in the street under that sheet  
6 for several hours on that day; is that right?

7 **A** Yes, ma'am.

8 **Q** Is that, do you know the reason for that?

9 **A** After I made notification to command  
10 staff, I was recontacted and advised that St. Louis  
11 County would be handling the investigation and the  
12 crime scene and I had to await their arrival. Once  
13 they arrived, the crime scene was relinquished to  
14 them.

15 **Q** And then any decision about what would  
16 happen with the body, that wasn't your decision or  
17 anything you had to do with, is that fair to say?

18 **A** That is correct.

19 **Q** Were you the most senior ranking Ferguson  
20 police officer at the scene that day?

21 **A** Uh, I had two lieutenants show up later on  
22 shortly after, maybe around 1:00 or so.

23 **Q** Now, you testified that you made  
24 notification, who is the first person you called?

25 **A** Chief of Police.

1           **Q**     Did you speak with him or leave a message?

2           **A**     I had to leave a message on his cell  
3     phone.

4           **Q**     Who is the next person you called?

5           **A**     Lieutenant Colonel

6           **Q**     Did you speak with him or did you leave a  
7     message?

8           **A**     Left a message for him.

9           **Q**     Whose the next person you called?

10          **A**     Captain

11          **Q**     Did you speak with him or leave a message?

12          **A**     Left a message.

13          **Q**     Everybody, it is Saturday afternoon,  
14     correct?

15          **A**     Correct.

16          **Q**     And so then who is the next person you  
17     called?

18          **A**     Captain

19          **Q**     Did you speak with him or leave a message.

20          **A**     I spoke with him.

21          **Q**     And after speaking with him and telling  
22     him what the situation was, did you make any other  
23     notifications after that?

24          **A**     I contacted Lieutenant  
25     and I believe that was the last contact I made.

1           **Q**     All right. Now, you've already said that  
2     at some point you told Darren Wilson to get into  
3     your vehicle and go up to the Ferguson Police  
4     Department?

5           **A**     Yes, ma'am.

6           **Q**     And what was the reason, are you aware  
7     that an officer involved shooting, typically the  
8     officer remains on scene until investigators come  
9     and walk through the scene with him?

10          **A**     Yes, ma'am.

11          **Q**     Why didn't you have him remain at the  
12     scene?

13          **A**     The crowd was growing rather rapidly.  
14     They were very agitated and for the safety of the  
15     officers on the scene and for Officer Wilson, I had  
16     him leave and go to the police department.

17          **Q**     So you had him get in your vehicle and go  
18     to the police department?

19          **A**     Yes, ma'am. I left his vehicle where it  
20     was, where I found it and told him to take my car  
21     and go back to the station and wait for a  
22     supervisor.

23          **Q**     And after he got out of his car, did  
24     anyone, did you enter his vehicle?

25          **A**     No, ma'am.



1           **Q**     Did you look inside the vehicle?

2           **A**     Yes, ma'am.

3           **Q**     And why were you looking inside the  
4     vehicle?

5           **A**     Just to see what I could see.   If there  
6     was possible evidence or anything like that.

7           **Q**     Did you notice glass inside the vehicle?

8           **A**     Yes, I did.

9           **Q**     Did you notice any bullet holes inside the  
10    vehicle?

11          **A**     I saw a bullet into the door panel of the  
12    driver's side door, yes, ma'am.

13          **Q**     Did you see any shell casings inside the  
14    vehicle?

15          **A**     No, ma'am, I did not.

16          **Q**     Any blood inside the vehicle?

17          **A**     No, ma'am, I did not.

18          **Q**     Now, to be clear, you're not actually a  
19    crime, you're role is not to document the scene and,  
20    you know, you knew other officers were going to be  
21    processing that vehicle, didn't you?

22          **A**     Correct.

23          **Q**     In fact, I think in your statement, but  
24    you do as a part of your job place cones or other  
25    markers around pieces of evidence if you see them,

1 correct?

2           **A**     Yes, when I got the crime scene tape out,  
3 I had obtained some traffic cones from another  
4 responding officer's vehicle, I marked a few items  
5 that I could.

6           **Q**     And you knew that another officer then was  
7 going to document those items, correct?

8           **A**     That is correct.

9           **Q**     After Darren Wilson left the scene, did  
10 you see him again at all that day?

11          **A**     No, ma'am, I did not.

12          **Q**     Now, we've heard that you said in your  
13 statement that you had contacted Darren Wilson after  
14 this time, after this date just to say hello and how  
15 you doing; is that right?

16          **A**     Yes, ma'am.

17          **Q**     Have you and he ever since that day had a  
18 detailed conversation about what happened?

19          **A**     After his interview and my interview with  
20 Justice and FBI and U.S. Attorney and St. Louis  
21 County, he asked me if he could tell me everything  
22 that happened. I told him, yeah.

23          **Q**     So was this in person or on the phone?

24          **A**     On the telephone.

25          **Q**     And do you recall, you said it was after

1 the FBI talked to you?

2 **A** Correct.

3 **Q** And did you only talk to the authorities  
4 investigators one time?

5 **A** Yes, ma'am.

6 **Q** And then you said to your knowledge, he  
7 had already talked to the investigators; is that  
8 right?

9 **A** I asked him if he had been interviewed by  
10 them yet, and he said he had.

11 **Q** And so he told you his version or the  
12 story of what happened?

13 **A** Yes, ma'am.

14 **Q** Now, is there anything about this second  
15 version, I don't mean to use the word version like  
16 it is different or implying that it is different,  
17 his second time telling you what happened?

18 **A** There was some more things that he added.

19 **Q** Details that he added?

20 **A** Yes, ma'am.

21 **Q** Was there anything inconsistent with what  
22 he had told you previously?

23 **A** No, ma'am.

24 **Q** Now, just to summarize, that day on the  
25 scene he told you that he fired or that the weapon

1      went off?

2           **A**     Correct.

3           **Q**     One time while he was seated in the  
4      vehicle?

5           **A**     Correct.

6           **Q**     And he didn't describe shooting his gun  
7      while he was running after Michael Brown?

8           **A**     He did not say he shot at Michael Brown  
9      while he was running at him.

10          **Q**     And then he describes after Michael Brown  
11      turned around, a series of shots that he fired at  
12      Mr. Brown?

13          **A**     Correct.

14          **Q**     And you said he said maybe I can't  
15      remember if you said four or five?

16          **A**     He said he thought he was shot, discharged  
17      four rounds.

18          **Q**     Okay. Now, when you had a subsequent  
19      conversation with him, did any part of that change,  
20      did he tell you any more details about the number of  
21      shots?

22          **A**     No, he said he had learned that he had  
23      fired more than four shots. I didn't specifically  
24      ask him a number, but he said he was told that he  
25      fired more than he thought.

1           **Q**     Okay. So you didn't talk with him about  
2     how many shots were in the vehicle, how many shots  
3     were out of the vehicle, whether there was a pause  
4     and then more shots or anything like that?

5           **A**     That is correct.

6           **Q**     Were there any details in this second  
7     conversation with him that are or changed the  
8     perspective that you have about what happened?

9           **A**     No, ma'am.

10          **Q**     Is there anything, so you had an  
11     additional conversation with him about what  
12     happened?

13                     After that, did you have any other  
14     conversation with him about what happened?

15          **A**     No, ma'am, not about what happened, but I  
16     have had other conversations with Officer Wilson.

17          **Q**     Okay. And Officer Wilson is still on  
18     administrative leave; is that correct?

19          **A**     That's correct.

20                     MS. ALIZADEH: Does anybody have any  
21     questions?

22                     MS. WHIRLEY: I have a few, this is Sheila  
23     Whirley.

24          **Q**     (By Ms. Whirley) Have you ever appeared  
25     before this grand jury before?

1           **A**     Multiple times.

2           **Q**     This particular grand jury that is sitting  
3     here today to your knowledge?

4           **A**     No, ma'am, no.

5           **Q**     You have not?

6           **A**     Not before this grand jury, no, ma'am.

7           **Q**     All right. Regarding Canfield Green  
8     Apartments, you have been in the community for over  
9     38 years. Did you know the relationship that the  
10    police had with that community?

11          **A**     I have responded to numerous calls, I've  
12    assisted numerous calls over there.

13          **Q**     Was it known what the relationship was  
14    between the community and the police?

15          **A**     We, as far as my squad and myself is  
16    concerned, every time we responded over there, we  
17    responded for whatever the call is, we handle the  
18    call and we left.

19          **Q**     Was it a relationship that was friendly or  
20    did the residence --

21          **A**     Business relationship.

22          **Q**     Business.

23          **A**     A business relationship. I mean, some of  
24    the officers knew tenants and whatnot from previous  
25    encounters.

1           **Q**     Okay. So there was no understanding that  
2     the residents just hated the police, it wasn't like  
3     that?

4           **A**     No, ma'am, no.

5           **Q**     So when Officer Wilson, well, first of all  
6     you said you did not hear him ask, announce on the  
7     radio that shots were fired?

8           **A**     No, ma'am.

9           **Q**     At any point?

10          **A**     No, ma'am, I did not.

11          **Q**     You did not know that a shooting had even  
12     occurred until you were told to go there?

13          **A**     Until I arrived on the scene is when I  
14     first learned there were shots discharged by an  
15     officer.

16          **Q**     How did you get the call to go to the  
17     scene, what were you told?

18          **A**     I was told I was needed at the  
19     intersection of Canfield and Copper Creek as soon as  
20     possible or immediately.

21          **Q**     Nobody said what for?

22          **A**     No, ma'am.

23          **Q**     Okay. Did Wilson ever tell you that,  
24     because you said you have talked to him a couple of  
25     times since this has occurred?

1           **A**     Uh-huh.

2           **Q**     And in more detail recently, your last  
3     talking was more in detail, correct?

4           **A**     My last conversation with Darren was about  
5     ten days ago maybe.

6           **Q**     He was a little bit more detailed over the  
7     phone during that conversation?

8           **A**     During the conversation that I had with  
9     Darren was probably five or six days after the  
10    incident.

11          **Q**     Okay.

12          **A**     That's when he was more, a little bit more  
13    detailed.

14          **Q**     More detailed. Did he talk about anything  
15    about the stealing that occurred at Ferguson Market  
16    that he was stopping these two to investigate that?

17          **A**     He said he did not have that call, that  
18    call I later found out was given to Officer

19

20          **Q**     Did he know about it, did he talk about  
21    knowing about the stealing?

22          **A**     He did not know anything about the  
23    stealing call.

24          **Q**     He told you he did not know anything about  
25    the stealing?



1           **A**     He did not know anything. He was out on  
2 another call in the apartment complex adjacent to  
3 Canfield Green.

4           **Q**     Okay. And so when he's stopping these two  
5 it is strictly about the sidewalk, it has nothing to  
6 do with him investigating the stealing of  
7 Cigarillos; is that correct?

8           **A**     That is correct.

9           **Q**     Did he indicate that he was angered at all  
10 when he was told to fuck off?

11          **A**     Well, no police officer likes being told  
12 that. I don't think he was angered as much as he  
13 was just taken aback by it for no reason whatsoever.

14          **Q**     Is that like a sign of disrespect, I would  
15 feel disrespected if somebody told me to fuck off?

16          **A**     You know, respect toward the police  
17 nowadays is not like it used to be. Most of the  
18 time it is under their breath or just barely within  
19 earshot, but evidently at this point in time it was  
20 told quite directly at him.

21          **Q**     Okay. Did Wilson indicate, Officer Wilson  
22 indicate that when he chased Michael Brown, that  
23 assistance had been called for at that point?

24          **A**     He did not indicate to me, no, ma'am.

25          **Q**     Did you have any understanding or any

1 knowledge about how it occurred regarding him  
2 chasing after Michael Brown whether or not  
3 assistance was on its way or anything like that?

4 **A** No, ma'am, I don't know.

5 **Q** Okay. Now, have you ever known Officer  
6 Wilson to discharge his weapon?

7 **A** Not to my knowledge, other than on the  
8 practice range or the firing range at the police  
9 department, that's the only time I know he's ever  
10 discharged a weapon.

11 **Q** Have you ever known him to get into a  
12 physical altercation with a suspect?

13 **A** Only when the suspect had initiated the  
14 resistance.

15 **Q** You do know of a particular incident where  
16 that has occurred?

17 **A** Yes, ma'am.

18 **Q** What happened in that situation?

19 **A** Officer Wilson was able to gain control of  
20 the individual and put him in handcuffs before  
21 assistance arrived.

22 **Q** Was he alone?

23 **A** Yes, ma'am.

24 **Q** Do you know what transpired why there was  
25 even a physical altercation?

1           **A**     It was a suspicious vehicle call, occupied  
2     suspicious vehicle. And when he walked up to the  
3     car, he could smell an odor what he associated with  
4     marijuana and he told the driver to get out of the  
5     car, at which time he did. When he was trying to  
6     take him into custody is when the resistance  
7     occurred.

8           **Q**     That's the only occasion you are aware of?

9           **A**     He's had minor ones with other officers,  
10    exactly who, how it started, you know, I know of one  
11    where an individual resisted the arrest with Officer  
12    Wilson and another one of my officers and the  
13    subject ended up having to be tasered in order to  
14    comply with the officers.

15          **Q**     Did Officer Wilson use a taser?

16          **A**     No, ma'am, he did not carry one.

17          **Q**     It was known that he did not carry a  
18    taser?

19          **A**     That is correct.

20          **Q**     It wasn't required that he carry a taser?

21          **A**     No.

22          **Q**     What about mace, did you know of an  
23    incident where he maced an individual?

24          **A**     Never.

25                MS. WHIRLEY: Anybody else have any

1 questions? Go ahead.

2 : My

3 question is, did Officer Wilson, did he state  
4 specifically that it was Michael Brown that made  
5 those derogatory or offensive comments to him or did  
6 he indicate if it was Dorian Johnson?

7 **A** He did not indicate to me who made the  
8 comments, ma'am.

9 I see.

10 I've got a  
11 couple questions. Did Officer Wilson indicate at  
12 all that he said anything to Michael Brown as he was  
13 chasing after him?

14 **A** He yelled at him to stop or halt, but  
15 nothing more than that.

16 : Are those the words he  
17 used stop, halt?

18 **A** I don't know, I believe he just told him  
19 to stop.

20 : Okay. Did he indicate at  
21 any point when he, right after he had first contact  
22 with him and told him, asked him to get out of the  
23 street, that at any point he had to reverse his car  
24 back towards them?

25 **A** I believe he did go backwards, reverse his

1 automobile for a short distance, then stopped.

2 Asked them again to get out of the street.

3 : Okay.

4 MS. ALIZADEH: Sergeant I just want  
5 to clarify. I know you know things about what  
6 happened, I want to make sure that we're clear on  
7 this. Are you saying that you know that that  
8 happened because you've since learned that, or are  
9 you saying that Officer Wilson that day told you  
10 that he reversed his vehicle?

11 A Officer Wilson did not tell me that day  
12 that he had to do that.

13 MS. ALIZADEH: Okay.

14 A I've learned that through a later  
15 conversation.

16 Q (By Ms. Alizadeh) So when we talk about  
17 things that he says he did, I want to make sure it  
18 is clear to everybody, you know, to clarify whether  
19 or not it is something that he knows happened  
20 because of subsequent investigation or if it is  
21 something that Officer Wilson said to you.

22 I also want to clarify something else  
23 and I'm sorry to interrupt, but it is along the same  
24 lines. You testified that when Sheila asked you  
25 some questions, Miss Whirley, that Officer Wilson

1 did not know about the stealing that was going on or  
2 had just occurred at the Ferguson Market.

3 Now, my question to you is this, are  
4 you saying that because he told you he didn't know  
5 about it or you saying that because he didn't  
6 mention it to you when you were talking to him?

7 **A** He did not mention it to me again. I  
8 learned about it at a later time.

9 **Q** Has he ever told you, yeah, I didn't know  
10 anything about what happened up at the Ferguson  
11 Market?

12 **A** Yes, he has told me that in subsequent  
13 conversations.

14 **Q** He told you he didn't know about there  
15 being a stealing at the Ferguson Market?

16 **A** Correct.

17 **Q** Okay.

18 : Just one last follow-up,  
19 Did Officer Wilson at any point say  
20 anything or infer at any time that maybe he thought  
21 that Michael Brown was under some type of influence  
22 of something?

23 **A** No, sir, he did not.

24 : . My  
25 question goes back to Officer Darren Wilson's first

1 call to dispatch, which initiated a call to you.  
2 You know, I understand from watching the news when  
3 someone calls 911, the recording is timestamped and  
4 there is an audio recording. In this instance or in  
5 a regular instance, when an officer calls dispatch,  
6 is there any sort of timestamp or recording, or  
7 secondary recording so we would know exactly what  
8 that call would be or when that call took place?

9 **A** Yes, all of our incoming calls, including  
10 radio traffic, is recorded digitally. That would be  
11 available to the investigators through our  
12 communications supervisor.

13 : Are you aware of what that  
14 original call would have been when he called?

15 **A** His original call?

16 : Uh-huh.

17 **A** I have since learned what it was, is that  
18 what you want to hear?

19 : Sure.

20 **A** It was a sick case on Glenark was the  
21 street. Again, next apartment complex over is  
22 Northwinds Apartments and Glenark is small, like  
23 eight apartments on that street. He responded to a  
24 sick case at that location.

25 : . Again, my

1     apologies, I might not have made myself clear.

2                     After the shooting of Michael Brown, was  
3     that call when he dispatched that first call, was  
4     that again recorded that you would have known what  
5     the call would have been for him to call dispatch  
6     and say XYZ happened?

7             **A**     Yeah, I believe the answer to that  
8     question would be yes. When he called it into  
9     dispatch, he would have probably told them what was  
10    going on and what happened.

11                    MS. ALIZADEH: I'm sorry, just so you all  
12    know, we have radio calls that we'll be playing for  
13    you at some point in this investigation.

14                    MS. WHIRLEY: Let me follow-up on that  
15    real quick.

16             **Q**     (By Ms. Whirley) Do you have any knowledge  
17    that there was a radio call that has been recorded  
18    and seized that where Darren Wilson is saying shots  
19    fired, asking for assistance before he gets out of  
20    the car or around the time this is happening?

21             **A**     No, ma'am.

22             **Q**     There is no recording that you know of  
23    that exist?

24             **A**     I know there is one exist.

25             **Q**     You do?



1           **A**     Yes.

2           **Q**     Okay. Do you know where we might get it?

3           **A**     The communication supervisor at Ferguson  
4 Police Department can provide it to you.

5           **Q**     Okay, all right. Thank you.

6                   MS. ALIZADEH: Sergeant           just to  
7 clarify, have you ever heard the radio calls, have  
8 you ever listened to them?

9           **A**     No, ma'am.

10          **Q**     (By Ms. Alizadeh) So it is important that  
11 you testify about your own personal knowledge and  
12 not what maybe somebody has told you that you  
13 believe. Would it be fair to say that you don't  
14 know what those calls consisted of because you have  
15 never heard them, right?

16          **A**     I don't know what the calls consist of,  
17 that is correct.

18          **Q**     And maybe somebody told you that there is  
19 a call, but you have never heard that yourself?

20          **A**     No, ma'am.

21          **Q**     Whatever those calls would be, they would  
22 have been recorded and burned on a disc for purpose  
23 of this investigation, could that have occurred?

24          **A**     Yes.

25                   MS. ALIZADEH: Okay.

1 MS. WHIRLEY: .

2 : At the  
3 beginning when you were speaking, you said an  
4 incident report was not filed?

5 **A** I'm sorry?

6 An incident report was  
7 not filed?

8 **A** I did not complete any report regarding  
9 this incident because St. Louis County was handling  
10 the entire case.

11 In your recorded  
12 statement, I believe I heard you talk about a Use of  
13 Force Report?

14 **A** Yes, ma'am.

15 That's different?

16 **A** That is something different, yes, ma'am.

17 : Okay. At the beginning  
18 of your statement here you talked about a code, is  
19 that J-1?

20 **A** There's radio code for immediate  
21 assistance.

22 Okay.

23 **A** That's J-1.

24 : Okay. When you get  
25 those, you don't if an officer that's down, a

1 civilian that's down or something in progress. You  
2 just know you are needed somewhere right away?

3 **A** Correct.

4 : You didn't use your  
5 lights or your siren?

6 **A** No, ma'am. Like I said, the road traffic,  
7 I had pretty much of a clear lane to get there.

8 Okay. And do all the  
9 officers have mikes on their uniform or the radios  
10 in the car?

11 **A** We all have radios in the car.

12 Okay

13 **A** Majority of the officers wear their mikes  
14 up high so that they can hear it and respond  
15 relatively quickly.

16 : And you say that Officer  
17 Wilson was in his car with the door shut when you  
18 arrived?

19 **A** That is correct.

20 : Okay. This is the first  
21 time we heard about too much of a pussy to shoot me.  
22 In your recorded statement, we didn't hear that.  
23 Did you learn of that after your recorded statement  
24 or is that just something that you are recalling  
25 now?



1           **A**     Correct.

2                               When you are in that kind  
3 of situation?

4           **A**     When you are physically attacked  
5 unprovoked, I believe how could he prevent this is a  
6 stupid question.

7                               :    Okay, I'm done.

8                               MS. WHIRLEY:

9                               :                               .    Several  
10 questions.

11          **A**     Yes, ma'am.

12                               My first question is, when  
13 he was alone, when he left the scene of the crime,  
14 Officer Wilson, why was he left alone, why didn't  
15 another officer escort him back to the police  
16 department?

17          **A**     There was another police officer on light  
18 duty at the police department who could sit with  
19 him.

20                               :    Say that again?

21          **A**     There was another officer who,  
22                               station  
23 bound. So there was an officer there who could sit  
24 with him until a supervisor got there.

25                               :    My question is, why wasn't

1 he escorted by another PO considering that even  
2 though he left the scene of the crime, that someone  
3 could have noticed him and followed him, but yet he  
4 wouldn't of had any backup or protection, he still  
5 would have been left alone?

6 **A** I had, let's see, Darren made, Darren made  
7 my sixth officer for the day and that includes  
8 myself.

9 I already had three other officers  
10 and myself at the scene, I had another officer still  
11 out on a call. So I only had one officer that was  
12 left on the street. I honestly, truthfully, I  
13 didn't have the manpower to send somebody with him.

14 : Okay.

15 **A** But yes, you are correct, somebody could  
16 have followed him. But also on our radio we have  
17 Country Club Hills and Calverton Park. If there  
18 would have been a problem, there would have been  
19 other officers in the area from those two agencies  
20 that could have responded.

21 : Okay. My next question  
22 was or is, I seen pictures of the car, Officer  
23 Wilson's car. I only seen a little shattered glass  
24 that was on his driver's side seat?

25 **A** Uh-huh.

1 : Did he ever mention that  
2 the glass was half cracked, half down, or all the  
3 way down?

4 **A** He never told me what the window position  
5 was, ma'am.

6 : Okay. My last question  
7 is, after the incident, the crime was over and you  
8 had time to go back to your office, did you ever  
9 think to read Officer Wilson's history prior to  
10 coming to your department or when he came up under  
11 your leadership to understand his previous history?

12 **A** Anything that happened prior to his  
13 employment should have been covered by the officer  
14 who did his background investigation.

15 Now, I don't know who did his  
16 background investigation preemployment. I did speak  
17 with his supervisor prior to him coming to my squad  
18 and ask what kind of officer he was. And I believe  
19 I was presented with a few training certificates  
20 that he had obtained while he was on the other  
21 squad, but there were no corrective measures or any  
22 disciplinary notes or anything such as that in what  
23 I was given.

24 MS. WHIRLEY:

25 : How many

1 officer involved shootings occurred in Ferguson say  
2 in the last ten years?

3 **A** Last ten years?

4 : Yeah?

5 **A** I believe one, maybe two.

6 : So they're a rare  
7 occurrence and not an every day --

8 **A** They are very rare occurrence, sir.

9 : Okay. Thank you.

10 : Is it  
11 standard procedure basically for only one officer to  
12 be on patrol at any given time by themselves or do you  
13 do double duty where there is two officers so you  
14 have a ready backup in case of a situation that  
15 inflames?

16 **A** On a perfect day I would have seven  
17 officers out there.

18 : Uh-huh.

19 **A** I have four assigned sectors, which would  
20 be three cover cars to assist plus myself.

21 Uh-huh.

22 **A** So basically we would have two officers  
23 respond to most every call depending on what the  
24 call is naturally.

25 Yes, ma'am.



1 : . I just need  
2 clarification. Did Officer Wilson have blood on his  
3 hands?

4 **A** I did not see any blood.

5 : Okay. In the written, in  
6 the recorded statement we learned that he washed his  
7 hands because there was blood on them and he was  
8 checking for injury or the spread of infection?

9 **A** Whose recorded statement?

10 : Your recorded statement.

11 **A** It had to be something I learned after  
12 that day.

13 : All right, thank you.

14 : . Also to  
15 clarify. I want to make sure when you told Officer  
16 Darren Wilson to get in your vehicle and go back to  
17 the Ferguson Police Department, at that time he was  
18 still currently wearing his uniform he had on at the  
19 time of the incident and his gun was with him when  
20 he went back to Ferguson?

21 **A** His sidearm, yes, he carried his side arm  
22 back to Ferguson holstered.

23 : And at that point, I  
24 guess, you were at the scene, you wouldn't have  
25 known what happened to that gun or who would have

1 processed it or his clothes or anything because you  
2 were at the scene?

3 **A** At that point in time, no, sir, I would  
4 not know.

5 : Okay.

6 MS. ALIZADEH: Any other questions?

7 MS. WHIRLEY: I just have one. Whose  
8 decision was it to call county in to investigate?

9 **A** It was the chief of police's decision.

10 **Q** (By Ms. Whirley) This is pretty standard  
11 when there is a shooting, you say you have been  
12 involved in a few shootings, do you generally have  
13 another department investigate it or do you  
14 investigate it yourselves?

15 **A** One of the previous, or the one, I should  
16 say the two that I investigated, we investigated  
17 them. This one, well, the first two were only, they  
18 were not mortal wounds, they weren't fatalities.

19 I believe the chief made that  
20 decision because of, it would be better to have an  
21 outside agency such as county or state police to do  
22 the investigation to show that we were not trying to  
23 hide or cover up anything.

24 MS. WHIRLEY: Okay.

25 **Q** (By Ms. Alizadeh) Sergeant I know

1     you've said to me at least before, I can't remember  
2     if you testified today that you don't recall what  
3     time you got up to the scene, the time it was?

4           **A**     Correct.

5           **Q**     But assuming that we know that the  
6     shooting occurred somewhere like a quarter after  
7     noon, give or take a few minutes, but I'm just  
8     trying to use that as a reference, how long was it  
9     before you saw county officers responding up at the  
10    scene?

11          **A**     Uh, I believe the first one arrived on the  
12    scene anywhere from an hour to an hour 15.

13          **Q**     So were you privy to the decision to call  
14    county into the investigation, were you talking with  
15    the superiors when that decision was made?

16          **A**     No, ma'am.

17          **Q**     So whoever made that decision, you don't  
18    know when that decision was made?

19          **A**     That is correct.

20          **Q**     But you were at the scene for about an  
21    hour to an hour and a half you said?

22          **A**     Hour 15, yeah.

23          **Q**     Before you saw county arrive?

24          **A**     Correct.

25                 MS. WHIRLEY: I have one last question.

1 In your statement to, I guess it was Officer  
2 who did you give a statement to that was  
3 recorded?

4 **A** Detective

5 MS. WHIRLEY: Okay.

6 **A** And, I believe, Detective

7 MS. WHIRLEY: Okay. I believe you said in  
8 that statement that Officer Wilson told you that  
9 Michael Brown took off running and then he stopped  
10 and raised his arms and charged him?

11 **A** Yes, ma'am.

12 MS. WHIRLEY: Did he indicate to you how  
13 he raised his arms, how Michael Brown raised his  
14 arms?

15 **A** May I stand up?

16 MS. WHIRLEY: Sure.

17 **A** It was like this, like he was going to  
18 charge at him. (indicating)

19 MS. WHIRLEY: Okay. So he raised his arm  
20 in a charging motion?

21 **A** Correct.

22 MS. WHIRLEY: Did he say at that time he  
23 shot him?

24 **A** He told me when he took the step forward.

25 MS. WHIRLEY: He shot him.

2 MS. WHIRLEY: Okay. So at the time when  
3 he had his hands raised and he was charging at him,  
4 he shot, but it wasn't at that time he didn't have  
5 his hands like going for a weapon.

6           **A**     I don't remember, I don't recall.

7 MS. WHIRLEY: Okay. All right.

8           **A**       Yes, ma'am.

9 . Did  
10 Officer Wilson ever say he saw any blood coming from  
11 the victim?

12           **A**       No, ma'am. Yes, sir.

13 : . When  
14 Officer Wilson discharged his weapon, did he say how  
15 close they were in proximity, how close they were?

16           **A**     No, sir, he did not.

17 : . You  
18 mentioned before that protocol that all officers  
19 would go to the FTO, the field training. And in  
20 that, do the officers are they ever taught in a  
21 situation, maybe similar to this, to shoot to injure  
22 instead of shooting to kill?

23           **A**       You shoot to neutralize the threat.

24 MS. ALIZADEH: Any more questions?

25 Finally, Sergeant the last thing I

1 want to ask you, is there anything that you think  
2 this grand jury should know about this incident or  
3 that you know that maybe we didn't ask you. I don't  
4 want anybody walking away from here saying well,  
5 they never asked me that or anything like that. Is  
6 there anything that you think would be important for  
7 this grand jury to know that you haven't told them  
8 yet?

9       **A**       I've worked with Officer Wilson for two  
10 and a half years. He's been under my supervision  
11 that long.

12               Darren is a very easy going  
13 individual, always has a smile on his face. Doesn't  
14 go trying to start trouble or look for trouble, does  
15 a good job.

16               I have very little supervisory hours  
17 dedicated to Darren Wilson. He knows his job very  
18 well and he does it very well.

19               My opinion, put in this  
20 circumstances, I don't know what I would have done.  
21 I probably would have done the same thing.

22               So, I mean, Darren did not just all  
23 of the sudden go from trying to chase this guy down  
24 and take him into custody to deciding just to shoot  
25 him because. So, I mean, Darren is a good officer.

1 MS. ALIZADEH: Anybody have anything else  
2 that they want to him?

3 All right, thank you Sergeant  
4 (Completion of Sergeant testimony.)

5  
6 of lawful age, having been first duly sworn to  
7 testify the truth, the whole truth, and  
8 nothing but the truth in the case aforesaid,  
9 deposes and says in reply to oral  
10 interrogatories, propounded as follows, to-wit:

11 EXAMINATION

12 BY MS. WHIRLEY:

13 Q Detective, spell your name for the court  
14 reporter, please?

15 A

16

17 Q All right. Detective you are a  
18 police officer with St. Louis County Police  
19 Department; is that correct?

20 A That is correct.

21 Q How long have you been a police officer?

22 A Approximately eight years.

23 Q And you are currently a detective, so how  
24 long have you been a detective?

25 A Two and a half years as a detective.

1           **Q**     Have you always been with St. Louis County  
2     Police Department?

3           **A**     Yes.

4           **Q**     And you are a certified police officer?

5           **A**     Yes.

6           **Q**     What does that mean?

7           **A**     That means that I've accomplished the  
8     training required by the State of Missouri to be a  
9     commissioned police officer.

10          **Q**     You must have ongoing training?

11          **A**     Correct.

12          **Q**     And you have the power of arrest in the  
13     State of Missouri?

14          **A**     I do.

15          **Q**     Okay. Now, you know why we are here?

16          **A**     I do.

17          **Q**     Okay. So tell us how you became involved  
18     in this investigation?

19          **A**     Prior to this incident that we're here  
20     today on, I was called in to work to assist with an  
21     investigation that occurred, it was an attempted  
22     robbery that occurred at St. Anthony's Hospital on  
23     August 9th, 2014.

24          **Q**     Okay. Go ahead.

25          **A**     While I was there, we were finishing up,



1 and my sergeant, Sergeant received a  
2 telephone call and was requesting our unit to  
3 respond to the City of Ferguson and assist with an  
4 officer involved shooting.

5 Q At the time did you know that there was a  
6 dead person involved or it was just a shooting?

7 A What I knew that it was just an officer  
8 involved shooting.

9 Q You didn't know who the officer was?

10 A I did not.

11 Q Before I go further, you've testified in  
12 front of this grand jury before; is that correct?

13 A Yes, I have.

14 Q Okay. Unrelated to this particular  
15 incident though?

16 A Correct.

17 Q This is first time you have testified  
18 regarding the Michael Brown shooting?

19 A Yes, ma'am.

20 Q All right. And you have met with Kathi  
21 Alizadeh and myself before; is that correct?

22 A That's correct.

23 Q Regarding this incident?

24 A Yes.

25 Q Because you are working this incident?

1           **A**     Correct.

2           **Q**     Have you developed or written a police  
3     report yet?

4           **A**     No.

5           **Q**     Okay. So you just taking notes as you go  
6     or what's going on with that?

7           **A**     Yes, basically we take notes as we go. We  
8     transfer that to a memorandum to the case detective.

9           **Q**     Okay. And that's how you keep track of  
10    what's occurring here?

11          **A**     Yes.

12          **Q**     And what was your role as a detective in  
13    this case?

14          **A**     Initially I responded to the scene, and  
15    the way it works with the information we had at the  
16    time, all the detectives assigned to my unit  
17    responded to the scene. I believe I was the first  
18    car, the first one of the St. Louis County police  
19    detectives to arrive, and I made contact with  
20    Sergeant                who is a county police  
21    sergeant, St. Louis County police sergeant, assigned  
22    to North County Precinct. He was there within the  
23    crime scene, that's the first person I contacted.

24          **Q**     You said the crime scene, we talking about  
25    Canfield Green Apartments?

1           **A**     Yes, within the crime scene tape.

2           **Q**     Where the body was laying?

3           **A**     Yes.

4           **Q**     And the police vehicle was positioned?

5           **A**     Yes.

6           **Q**     All right. And about what time did you  
7 arrive there?

8           **A**     I believe the arrival time was  
9 approximately 1:30.

10          **Q**     For you?

11          **A**     For me.

12          **Q**     And you were the first county officer on  
13 the scene?

14          **A**     Yes, I was shortly trailed by the rest of  
15 the detective bureau by minutes.

16                 MS. ALIZADEH: Let me clarify, you weren't  
17 the first county officer at the scene, but the first  
18 detective?

19          **A**     Yes, first county police detective  
20 assigned to my unit that would be responsible for  
21 initiating the investigation.

22          **Q**     (By Ms. Whirley) Okay. But there were  
23 other county officers on the scene when you got  
24 there?

25          **A**     Yes, that's correct.

1           **Q**     Do you recall when you would have gotten a  
2     call to respond there?

3           **A**     I believe the time was about 12:40, 12:43,  
4     in that area, is when Sergeant           received the  
5     call. As it was, we were all standing together when  
6     he received that call and then after he got done  
7     with the phone call, he immediately dispatched us to  
8     the area.

9           **Q**     Now, is it unusual for St. Louis County to  
10    investigate a shooting that occurred in another  
11    municipality?

12          **A**     No.

13          **Q**     Is it pretty standard?

14          **A**     It is standard. If we are requested to  
15    respond and assume the responsibility of the  
16    investigation, we will do so.

17          **Q**     All right.

18          **A**     If requested to by that department.

19          **Q**     And that's what happened in this case, you  
20    were requested?

21          **A**     Yes, ma'am.

22          **Q**     All right. Let's go back to what your  
23    particular duties were regarding this investigation.

24          **A**     Sure. When I arrived I contacted Sergeant  
25                   and essentially what we do is try to get as

1 much knowledge as we have at the time.

2 He had advised me that the medical  
3 examiner had not been notified yet and that's when I  
4 requested them to do so.

5 Typically the way that it works with  
6 our police department is the personnel from the  
7 division of patrol, which would be the uniform  
8 police officers are responsible for making that  
9 notification.

10 So once I found out that that wasn't  
11 done, I immediately made that request.

12 Q So when you arrived, the medical examiner  
13 had not been notified?

14 A To my knowledge, no. Sergeant  
15 informed me that they had not been.

16 Q How about EMS, the emergency personnel?

17 A I was unaware if they had responded yet at  
18 the time. My main concern was making sure the  
19 medical examiner was dispatched.

20 Q Because when you arrived, it was  
21 determined that Michael Brown was dead?

22 A Yes. So if subject is deceased, then the  
23 next step would be to contact the medical examiner.

24 Q Describe the scene when you arrived, you  
25 said it was 1:30-ish or so?

1           **A**     Yes.

2           **Q**     Describe the scene for us?

3           **A**     As I arrived, I came down West Florissant  
4     and then turned, it would be east on Canfield Road.  
5     The entire street was lined with cars, both civilian  
6     cars and other police cars from St. Louis County. I  
7     believe there was a Ferguson car there and multiple  
8     other jurisdictions, to where I was unable to even  
9     make it to the actual crime scene. I had to park  
10    some distance away, I don't know the exact distance,  
11    but some distance away and walk up to the crime  
12    scene.

13                   Which is a little atypical than what  
14    we're used to. Typically we drive right up to the  
15    crime scene tape, park outside of it and then we can  
16    enter the crime scene there.

17                   There were multiple people, I can't  
18    quantify how many, but people were walking towards  
19    that area as I was walking up as well, and that's  
20    when I entered the crime scene.

21           **Q**     Could you hear people talking? I don't  
22    want to assume, was there a crowd, are you telling  
23    us, a crowd of people?

24           **A**     There were, I would say small pockets of  
25    people around the entire crime scene. When you ask

1 about if I could hear anything that was being said,  
2 I just wasn't paying attention to it.

3 Q Okay. Did you see Darren Wilson at the  
4 scene?

5 A I didn't know who Darren Wilson was at the  
6 time, I learned later he wasn't there.

7 Q He was not at the scene?

8 A Correct.

9 Q Was it your job to make any contact with  
10 him?

11 A Eventually it was. Essentially what  
12 happens in an investigation of any kind, is that the  
13 detectives will basically come together and a case  
14 detective will be assigned.

15 In this case detective  
16 was the case officer.

17 Q What does that mean, case officer?

18 A He'd be essentially the person that would  
19 orchestrate and dole out assignments and be  
20 responsible for the investigation as a whole. He  
21 would be the one that would be writing the report  
22 and like I said, making the assignments for other  
23 detectives to do.

24 Q So you were assisting in the  
25 investigation, he was the case agent or officer?

1           **A**     Correct, that's correct.

2           **Q**     All right. So you said it was going to be  
3 your job to make contact with Officer Wilson?

4           **A**     Yes. I was directed by Detective  
5 to.

6           **Q**     Detective                   ?

7           **A**     Detective                   .

8           **Q**  
9                   works with St. Louis County?

10          **A**     Yes.

11          **Q**                   Darren Wilson who is the  
12 officer involved in the shooting?

13          **A**     Yes, Officer Darren Wilson.

14          **Q**     Okay.

15

16          **A**     Yes, ma'am.

17          **Q**     So you did, Detective                   told you  
18 to make contact with Darren Wilson?

19          **A**     Yes, he informed me that police officer  
20 Darren Wilson was currently at the Ferguson Police  
21 Department and then instructed me to respond there  
22 and conduct a cursory interview with Officer Darren  
23 Wilson.

24          **Q**     Tell us what is a cursory interview?

25          **A**     Essentially what a cursory interview is it



1 is an interview that is, it is detailed enough to  
2 where I and the other detectives would understand  
3 the sequence of events that occurred.

4 It is to tell us and inform us where  
5 evidence might be located within the crime scene and  
6 we use that as an investigative tool.

7 **Q** Do you tape cursory interviews?

8 **A** No.

9 **Q** Why not?

10 **A** It is just common practice that we do not.  
11 It is basically an interview where I would approach  
12 the individual, and it is done so even not just a  
13 police officer involved shooting, we do them on  
14 almost every investigation. Just to understand what  
15 that person saw and what happened to better assist  
16 us within the scene.

17 So that's kind of the reason we do  
18 that.

19 **Q** Okay. Was it your responsibility to seize  
20 any evidence at the scene?

21 **A** No. I was at the scene for maybe ten  
22 minutes and then I was dispatched to Ferguson Police  
23 Department.

24 **Q** Because you needed to talk to Darren  
25 Wilson?

1           **A**     Correct.

2           **Q**     So do you go to Ferguson on your own?

3           **A**     I do.

4           **Q**     By yourself you go to Ferguson, what  
5 happens then?

6           **A**     Then I enter the Ferguson Police  
7 Department. You enter on the street level and then  
8 I went upstairs to their common area. I did knock  
9 on the door, allowed entry by Lieutenant Colonel  
10 who is a lieutenant colonel with the  
11 Ferguson Police Department. And he escorted me back  
12 to the Ferguson Police Department detective bureau,  
13 which is a room about half the size of this.

14          **Q**     Was anyone in that room?

15          **A**     Yes, there was Lieutenant Colonel

16 I was then introduced by him to police  
17 officer Darren Wilson, an attorney and  
18 Detective

19          **Q**     Do you know what their roles were we know  
20 Darren Wilson why you were there to talk to him, do  
21 you know what the other folks were there for?

22          **A**     I assume that had just been working that  
23 day, I never even asked. It didn't seem important  
24 at the time.

25          **Q**     It wasn't relevant to your investigation

1     what these other people were doing?

2           **A**     Correct.

3           **Q**     Did you talk to Darren Wilson in front of  
4     these other people?

5           **A**     I made basically just an introduction to  
6     Darren Wilson.  When I saw him, he was wearing full  
7     uniform which consisted of a Ferguson Police  
8     Department button down shirt and then dark blue  
9     slacks.  He then directed my attention to his duty  
10    belt, which was off at the time sitting on the  
11    floor.

12          **Q**     I'm going to come back to the duty belt.  
13    I want to know you did talk to Darren briefly?

14          **A**     Very briefly, not about the actual  
15    incident at that time.

16          **Q**     At that time, so all the people were  
17    allowed to remain or were there with you these other  
18    people that you mentioned?

19          **A**     They were.

20          **Q**     In the same room?

21          **A**     Yes.

22          **Q**     So where was the duty belt?

23          **A**     It was on the floor next to a desk right  
24    next to where Darren Wilson was standing.

25          **Q**     Did he have on a weapon?

1           **A**     At the time, no.

2           **Q**     At that time?

3           **A**     No.

4           **Q**     Did you see the weapon?

5           **A**     I saw, he had informed me that after he  
6       responded to the police station, he had packaged his  
7       weapon and then he directed my attention to an  
8       evidence envelope, which appeared to be sealed, it  
9       was on the desk of Detective

10          **Q**     You didn't inspect that envelope though?

11          **A**     No, I did not.

12          **Q**     So do you know whether there was even a  
13       gun in the envelope?

14          **A**     At that time I did not.

15          **Q**     But at some time did you find out there  
16       was?

17          **A**     I did.

18          **Q**     So he told you he packaged it?

19          **A**     Yes.

20          **Q**     And did you ask him why he packaged it or  
21       did you discuss that at all?

22          **A**     No.

23          **Q**     Okay. Did he volunteer why he packaged  
24       it?

25          **A**     No.

1           **Q**     Is that uncommon? Have you ever been  
2     involved in an officer involved shooting before?

3           **A**     I have not been involved in one, but I  
4     have investigated multiple.

5           **Q**     Okay. That was a better way to answer, I  
6     didn't ask the question right. Because you've never  
7     shot anyone, is what you are telling us?

8           **A**     That's correct.

9           **Q**     But you have been involved investigating  
10    those shootings?

11          **A**     Yes.

12          **Q**     Is it customary for the person who was  
13    involved, the officer that is involved in the  
14    shooting to handle and package their own gun as  
15    evidence?

16          **A**     Well, with the St. Louis County Police  
17    Department it is something that's not done, however,  
18    we were called to investigate another police  
19    department's incident. So at that time we were  
20    unaware of any policies or procedures they have in  
21    place that when we get there basically we have to  
22    find out, I guess, and explore the possibility that  
23    maybe that's part of their policy.

24          **Q**     Did you explore that?

25          **A**     At that time, no, I did not.

1           **Q**     At any time?

2           **A**     No, I did not.

3           **Q**     So you don't know what their policy is?

4           **A**     Correct, I do not. I just knew that  
5 police officer Darren Wilson had told me that he had  
6 packaged the weapon and it was currently in that  
7 bag. Now, at that point in time I never checked to  
8 verify that, it was done later.

9           **Q**     Okay. In an investigation such as this,  
10 ideally what should happen with the officer's gun?

11          **A**     The way that, I can only speak to the way  
12 St. Louis County would handle it.

13          **Q**     Sure.

14          **A**     Is that that officer would continue to  
15 have his weapon in his holster until a detective  
16 from the Crimes Against Person Unit, which is my  
17 unit, a supervisor and a crime scene unit detective  
18 would conduct what we call a download of the weapon.  
19 And that's an inspection of the weapon to determine  
20 how many rounds are left inside of the weapon.

21                   So what would happen is we would ask  
22 the officer to remove his weapon from his holster,  
23 the magazine would be ejected, we would count the  
24 number of rounds in the magazine, if there are any.  
25 Then we would ask him to move the slide to the rear,

1     which would eject a round if it was chambered, and  
2     what that means is there would be a round of  
3     ammunition in the barrel of the weapon.

4           **Q**     Okay.

5           **A**     And then that would be photographed as  
6     those steps were taking place.

7           **Q**     Would the gun be returned to the officer?

8           **A**     No, the weapon would then be seized by our  
9     crime scene unit detective.

10          **Q**     Until the investigation?

11          **A**     Typically what would happen is that it  
12     would go directly to our firearm lab. They do a  
13     test fire, inspect the weapon and then at that point  
14     it would be returned to the police officer.

15          **Q**     Okay. So you're at the Ferguson station,  
16     you see a weapon, the officer is dressed in his  
17     uniform?

18          **A**     Uh-huh.

19          **Q**     Did you see any blood on the officer?

20          **A**     At that time, no, I did not.

21          **Q**     Did you see any injuries on the officer?

22          **A**     I did.

23          **Q**     What did you see?

24          **A**     I could see there was reddening to the  
25     left and right side of his jaw and it appeared that

1 the right side was slightly swelled, like the cheek  
2 area, those are the two injuries that I saw  
3 initially.

4 Q Did he talk to you about any injuries?

5 A No, that's just what I observed when I met  
6 him.

7 Q Just to clarify, I don't know if I've  
8 asked you this before, did you know Officer Darren  
9 Wilson before this incident?

10 A No, I did not.

11 Q So that was your first time you had  
12 encountered him?

13 A Yes.

14 Q Was at the Ferguson Police Department?

15 A Correct.

16 Q There was a decision made that he should  
17 go to the hospital; is that correct?

18 A That's correct.

19 Q How did that come about, if you know?

20 A To my knowledge that was a decision made  
21 by Lieutenant Colonel

22 Q When you arrived in Ferguson, were they  
23 discussing that he was going to go to the hospital  
24 or did that come up while you were there?

25 A From what it appeared, it was a



1 conversation that was taking place before and then  
2 continued as I arrived.

3 So I heard basically the tail end  
4 that Officer Darren Wilson would go to the hospital  
5 and get treated.

6 **Q** And what did that mean as far as your  
7 investigation was concerned?

8 **A** The way I would handle it with anybody,  
9 victim, witness, suspect, anybody that we would talk  
10 to is that if they are requesting medical treatment,  
11 we would do that first, that's more important than  
12 any statement we are going to get. And we can  
13 continue the statement at the hospital, which  
14 happens regularly. That we would follow them to the  
15 hospital, meet them at the hospital and then get the  
16 statement there while they're receiving treatment.  
17 We would never hinder anybody from getting medical  
18 treatment if they sought it.

19 **Q** So you had ended up going to hospital?

20 **A** I did.

21 **Q** What hospital was that?

22 **A** Christian Northwest Hospital located on  
23 Graham Road in Florissant, Missouri.

24 **Q** You didn't ride along with the officer,  
25 did you?

1           **A**     No.

2           **Q**     Did he drive himself or do you know?

3           **A**     He rode with Lieutenant Colonel

4                       those three individuals were in the  
5 car at that time and I drove separate.

6           **Q**     You all arrived at the hospital?

7           **A**     Yes.

8           **Q**     He's, I imagine, treated?

9           **A**     Yes. If I can just back up one step.

10          **Q**     Sure.

11          **A**     Before we had departed, the Ferguson  
12 Police Department, Officer Wilson did remove his  
13 uniform shirt and draped it over a chair, which that  
14 was essentially in Detective                       right  
15 next to his desk. So that's kind of where the three  
16 items that I would consider evidentiary value were  
17 located and they were in his custody.

18          **Q**     Did someone ask him to remove his shirt?

19          **A**     What's that? I don't know if it was done  
20 or not, however, he did remove his shirt and he  
21 draped it over a chair.

22          **Q**     The three items you are talking about are  
23 the shirt, the belt?

24          **A**     And the weapon.

25          **Q**     And the weapon, okay.

1           **A**     Yes.

2           **Q**     Anything else before we go back to the  
3     hospital?

4           **A**     No, ma'am, sorry to go back.

5           **Q**     No, I'm glad you did that because this is  
6     important. So you tell us if I miss something, for  
7     sure let us know.

8           **A**     Sure.

9           **Q**     So you got to the hospital, what happened  
10    then?

11          **A**     We were escorted to a trauma room and  
12    while I was driving there I had contacted Detective  
13                   and he's with our crime scene unit, I  
14    requested him to respond to Christian Northwest  
15    Hospital, meet me there to photograph the injuries  
16    of police officer Darren Wilson.

17          **Q**     Did Officer           meet you there?

18          **A**     He did. When we arrived, like I said, we  
19    were escorted to a trauma room. Initially within  
20    the trauma room was myself, police officer Darren  
21    Wilson, attorney                   Lieutenant Colonel  
22                   and Detective           . Detective  
23                   asked Officer Wilson if it was okay for him  
24    to photograph him. He agreed and he took several  
25    photographs of the apparent injuries to his face,

1 neck and the back of his neck.

2 Q So Officer Wilson was cooperative with  
3 your investigation?

4 A Yes.

5 Q I meant to ask you going back and going to  
6 come right back to the hospital, when you first  
7 encountered him, what was his demeanor?

8 A He was calm, collected. I didn't see that  
9 there was any type of debilitating injury to where  
10 it would prevent any type of interview, like a head  
11 injury or something like that. He seemed to be  
12 talking, making logical sense and talking like that.

13 So there was no concern that he had  
14 some major head injury, I guess, from my own opinion  
15 or appearance.

16 Q He never complained about his head being  
17 injured?

18 A Not to the point where he would have not  
19 been able to be interviewed.

20 Q Did he tell you he had a head injury?

21 A No.

22 Q When you go to the hospital, is his  
23 demeanor about the same as it was at the station?

24 A Yes.

25 Q And he allows Officer to take

1 pictures of him?

2 **A** Correct.

3 **Q** And how does your interview begin with  
4 him, your cursory interview?

5 **A** Essentially after Detective  
6 concluded his investigation of taking the photos, I  
7 asked Detective and Lieutenant Colonel  
8 to step out of the room as they were to not  
9 be present during the cursory interview.

10 **Q** What about his attorney?

11 **A** He remained in the room.

12 **Q** All right. And why did you ask the other  
13 two to step out?

14 **A** We would, for one, privacy and two, on any  
15 interview, it would be a one-on-one interview with  
16 myself and any potential victim, witness or suspect.

17 **Q** And again, this interview was not  
18 videotaped or audiotaped for that matter?

19 **A** That's correct.

20 **Q** So go ahead.

21 **A** Uh, I initially asked Officer Darren  
22 Wilson if he would allow me to interview him. He  
23 agreed.

24 During every police officer involved  
25 shooting that we investigate, I ask a series of

1 almost standard questions that begin my interview.

2 Those questions are, were you on duty today?

3 He indicated he was.

4 What was your call sign if you were  
5 to call out on the radio? His call sign was Frank  
6 21 that day.

7 What sector he was assigned to.  
8 Sector 1.

9 What is the beginning and end times  
10 for his scheduled shift. He indicated he began a  
11 shift at 6:30 in the morning and was scheduled to  
12 end his shift at 6:30 at night.

13 What he was wearing. He indicated he  
14 was wearing the uniform he currently had on and the  
15 rest of it what he left at the station. And what  
16 vehicle he was assigned that day. He said he was  
17 assigned vehicle 108, which he describes as a fully  
18 marked Ferguson patrol vehicle.

19 **Q** And is it your understanding that that  
20 vehicle is actually a truck?

21 **A** Yes, it was a Chevy Tahoe.

22 **Q** How did you get into what happened did you  
23 ask him what happened?

24 **A** Yes.

25 **Q** Tell us about that?

1           **A**       Basically during the cursory interview, I  
2       asked a very open ended question and allow that  
3       person to just talk. Tell me, from basically start  
4       to finish, what happened. And the only time I will  
5       really interrupt if I need a clarifying question or  
6       something I didn't understand it, I need time  
7       catching up writing down what he's saying.

8                       I just essentially asked Officer  
9       Darren Wilson to describe what happened and where he  
10      was at prior to the incident up through the  
11      incident.

12                    He tells me that he was leaving an  
13      unrelated sick case call and was driving, it would  
14      be west on Canfield Road. As he's driving he hears  
15      a call that was not assigned to him for a stealing  
16      in progress at 9101 West Florissant Avenue, and he  
17      provides us with that address and the nature of the  
18      call was a stealing.

19                    He said that the call comments  
20      indicated the suspect description was a black male  
21      wearing a black shirt and brown shorts, and that an  
22      additional call comment indicated that taken during  
23      the stealing were Cigarillos.

24           **Q**       Go ahead.

25           **A**       I'm sorry. He continues and says he's

1 driving west down, continues west down Canfield Road  
2 and he sees two subjects approaching from the area  
3 of West Florissant and Canfield walking in the  
4 center of the street.

5 I then ask Officer Darren Wilson to  
6 describe the two subjects.

7 He describes one subject as a black  
8 male, dark complexion, approximately 5 foot 5, with  
9 short dreadlock style hair wearing a black T-shirt.  
10 He describes the second male as a black male, medium  
11 complexion, approximately 6 foot 3, approximately  
12 270 pounds, clean shaven, wearing a red baseball  
13 style cap, a gray shirt, khaki shorts and yellow  
14 socks.

15 Officer Wilson then tells me that as  
16 he's traveling west down Canfield Road, he stops his  
17 patrol vehicle and allows the two subjects to  
18 approach. So basically they're walking towards the  
19 front of his patrol vehicle.

20 **Q** Did he indicate whether they were walking  
21 single file or side by side or anything?

22 **A** He never did and I didn't ask. He just  
23 says they were walking down the center of the  
24 street.

25 **Q** Okay.



1           **A**     He says at this time his driver's window  
2     is down, fully down. The, he allows the subjects to  
3     approach and then says to the two subjects. "Hey,  
4     why don't you guys walk on the sidewalk." And  
5     that's what he quoted, that's the quote that he  
6     said.

7           **Q**     Did he say anything about whether he  
8     thought this was a confrontation or it was an angry  
9     exchange or did he not refer at all?

10          **A**     He didn't elaborate, he just said that I  
11     stated.

12          **Q**     Okay, go ahead.

13          **A**     He says right after he makes that  
14     statement, the shorter male says, "we're almost to  
15     our destination." And then it's quickly followed by  
16     the larger male stating, "the fuck with what you  
17     have to say", and he quotes that. And then they  
18     continue to walk past his vehicle, which would be  
19     east on Canfield.

20          **Q**     At that point does he say that he  
21     investigates these two for stealing Cigarillos, does  
22     he mention anything to them about the theft?

23          **A**     He doesn't say anything like that to me.

24          **Q**     Okay. Go ahead.

25          **A**     Officer Wilson, Officer Darren Wilson then

1 tells me that he got on his radio and says that he's  
2 going to be conducting, notifies his dispatcher he  
3 is conducting a pedestrian check and he requests an  
4 assist car.

5 He then places his vehicle in reverse  
6 and backs up towards the subjects. He places his  
7 car in park, I'm sorry. As he attempts to exit his  
8 vehicle he says, "hey, come here." That's a quote  
9 that he used, "hey, come here."

10 As he's opening his door he feels the  
11 door get slammed shut and then realizes the larger  
12 of the two subjects pushed his driver's door closed.

13 He then tells the large subject to  
14 get back and to move, and attempts to open the door  
15 a second time. The door is then forced shut again,  
16 and he describes that the larger subject is standing  
17 at his driver's door with both hands on the door  
18 frame of the vehicle like where the window would  
19 come up is how he describes it.

20 And then Officer Wilson orders the  
21 subject, or the subject to get back again. And  
22 those are his words, get back and move is what the  
23 two words that he's using.

24 Officer Wilson then tells me that the  
25 subject then enters through the opened driver's door

1 window with his upper body. And he details it is  
2 his upper body and both of his arms.

3 The subject, according to Officer  
4 Darren Wilson, begins striking him in the chin,  
5 face, shoulders and chest. As he described it is  
6 the subject was swinging wildly.

7 During this time Officer Wilson's  
8 trying to deflect the punches with his left hand  
9 while giving the subject commands to get back and  
10 move and stop.

11 After that, Officer Wilson, he  
12 continues and states that subject then reaches  
13 backwards with his left hand, and basically removes  
14 his left hand and arm from the vehicle and hands  
15 something to the other subject and says, "here, take  
16 this," is what Officer Wilson says that he hears the  
17 larger subject say.

18 He did not, nor did I ask, describe  
19 what he thought was handed off, but he said that he  
20 handed something.

21 He continues that immediately after  
22 the subject says, "here, take this." He then  
23 quickly moves his left arm and hand back into the  
24 vehicle and then punches Officer Darren Wilson in  
25 the right side of the face.

1                   Officer Wilson then tells me that  
2    this instantly stunned him and he starts basically  
3    backing away and leaning back. Officer Wilson tells  
4    me he continues with his left hand and forearm to  
5    try to deflect the punches that he's being hit with  
6    and then he starts going, as he puts it, through the  
7    progression on his belt.

8                   He thinks about grabbing his mace,  
9    which is situated on his duty belt, however, he is  
10   in a seated position and he can't retrieve it and it  
11   is on the right side of his belt.

12                  He then considers using an asp baton.  
13   What an asp baton is, is a retractable baton that's  
14   standard issue for law enforcement. He says that he  
15   believed that due to the confined space from within  
16   the patrol vehicle, that it would be an ineffective  
17   tool.

18                  And at this point I believe I asked  
19   Officer Darren Wilson if he thought he could escape  
20   any other way? And he says no.

21                  He describes the interior of the  
22   patrol vehicle or the Tahoe as having a computer and  
23   a radio and a shotgun in the center console, which  
24   prevented him from being able to climb over or get  
25   out of the passenger side of the vehicle.

1 I asked Officer Darren Wilson to  
2 continue. He stated that he then used his left  
3 forearm, again, to try to create space between  
4 himself and the subject, and then he retrieves his  
5 department issued firearm from his holster, which is  
6 situated on the right side of his belt.

7 Q Did he say, or do you know, he said the  
8 mace is situated on the right side of his belt and  
9 the gun is situated on the right side of the belt,  
10 correct?

11 A The mace was on the left side.

12 Q I thought you said the right side.

13 A The mace was on the left side, his  
14 department issued firearm is on his right side.

15 Q Okay, thank you. You can go on.

16 A He then removes his department issued  
17 firearm from his holster and begins to raise it and  
18 as he's raising it he yells, he said he yelled, stop  
19 or I'll shoot.

20 Officer Wilson then tells me the  
21 subject then grabs with his hand the top of the  
22 slide of the firearm. And he says that his hand is  
23 large enough to encompass the top of the slide. The  
24 majority of the hand grips and the trigger guard,  
25 and that's with Darren Wilson, he says his hand is

1 on it, Darren Wilson's hand is on the weapon.

2 The subject then responded with,  
3 "you're too much of a pussy to shoot me." And that  
4 was a quote from Darren Wilson.

5 Q Did he give you any of his opinions or  
6 thoughts about what was going on when he says, "you  
7 are too much of a pussy to shoot me," or did he just  
8 kind of tell you what happened?

9 A Just told me what happened.

10 Q Okay.

11 A The subject makes that statement. And  
12 then immediately following that statement, the  
13 subject then forces the firearm in a downward angle  
14 and Officer Darren Wilson tells me he can feel the  
15 barrel of his own firearm pressed against his left  
16 hip as he is in the seated position.

17 Officer Wilson then continued stating  
18 that once he felt the barrel of the weapon pushed  
19 into his hip, he was able to shift his lower half to  
20 the right and basically get the barrel of the  
21 firearm to now be pointed at the seat and off of his  
22 hip.

23 He then with his left hand, with his  
24 right hand on the gun, on the handgrips of the gun,  
25 and he takes his left hand and puts it on the side

1 of the frame of the weapon. And then is able to  
2 push it away from him to where the weapon is now  
3 pointed at the driver's door.

4 He says that he then pulls the  
5 trigger and nothing happens, the gun misfires.

6 He continues by stating that he  
7 believed that due to the subjects hands being on the  
8 top of the slide and on the trigger, I'm sorry, on  
9 the hammer, that's what caused the gun to misfire.

10 Officer Wilson continues and states  
11 that he then pulled the trigger again, at which time  
12 one round of ammunition was fired.

13 Immediately following that, he sees a  
14 large explosion of glass and then looks down and  
15 sees what he believed was blood on his hands. He  
16 said at that point he didn't know if he was injured  
17 or the subject was injured, just knew that he saw  
18 blood.

19 Officer Wilson continued that the  
20 subject hands were still on the gun and he pulled  
21 the trigger two more times and it misfired both  
22 times.

23 The subject then reentered the  
24 vehicle and assaulted Officer Darren Wilson by  
25 punching him several more times in the face and then

1     stopped the assault and ran eastbound on Canfield  
2     Road away from the vehicle.

3           **Q**     So one shot you said was fired inside,  
4     while he was sitting inside the vehicle?

5           **A**     Yes.

6           **Q**     Okay. And he considered, he realized he  
7     could not escape, I'm not saying he should escape,  
8     he considered that he could go to the left side or  
9     passenger side, he was blocked by the shotgun or?

10          **A**     Yes, he describes that there's a computer,  
11     a large center console with a radio and like the  
12     controls to the light bar and siren, and then a  
13     shotgun. And there's just no means of escape  
14     through the passenger side of the car.

15          **Q**     But he said he did consider that?

16          **A**     Yes.

17          **Q**     Did he get over to the other side?

18          **A**     He said he was unable to.

19          **Q**     He was what?

20          **A**     He was unable to.

21          **Q**     But he considered that is what you said he  
22     said?

23          **A**     Yes.

24          **Q**     Okay. All right. So go ahead, so now the  
25     suspect is running east?



1           **A**       Yes. He says that the subject is then  
2 running east on Canfield, and Officer Darren Wilson  
3 then exits his vehicle and upon doing so, he says he  
4 radioed to his dispatcher that shots were fired, and  
5 he continued to exit the vehicle.

6                       He says he observed the subject  
7 running east on Canfield at which time he pursued on  
8 foot.

9                       He says after, or during this chase,  
10 he's giving the subject loud, verbal commands as he  
11 puts it, to stop and to get on the ground.

12                      Officer Wilson then tells me that the  
13 subject then stops and turns around. He estimated  
14 the distance was approximately 30 feet from him.

15                      So at that time Officer Wilson  
16 stopped in the street and then began to order the  
17 subject to stop and get on the ground.

18                      He continues and tells me that as he  
19 turns around, the subject has, as he quotes it, "an  
20 intense and psychotic look on his face." The  
21 subject then takes his right hand and moves it  
22 towards his waistband on the right side.

23                      Officer Wilson then says the subject  
24 screams something inaudible, doesn't know what he  
25 said, but just screams something and begins to

1 charge him. And that's Officer Wilson's word was  
2 charge.

3 As the subject is moving towards him,  
4 he is giving him, continually giving him commands to  
5 stop. As he is backpedaling to try to, as he says,  
6 try to maintain the distance between the two.

7 He then continues and states that he  
8 knew if the subject were to reach him, that he  
9 would, and he quotes, "he would be done." Meaning  
10 that Officer Wilson would be done. He knew, he  
11 immediately stated he knew he was overpowered and  
12 assaulted already one time in the vehicle.

13 Officer Wilson continued and stated  
14 as the subject got within 15 feet of him, he  
15 discharged five rounds of ammunition. He said that  
16 this had no effect and the subject continued towards  
17 him.

18 **Q** Did he indicate whether, did he, he may  
19 not have, indicate whether or not any of the five  
20 rounds entered the body of Michael Brown?

21 **A** He did not know, nor did I ask. He just  
22 said that the subject continued to come towards him.

23 **Q** Did he indicate to you how, when the  
24 subject turned around, I think you said that he put  
25 his arms some kind of way and charged him?

1           **A**     He says that --

2           **Q**     Can you demonstrate that for us?

3           **A**     I'm sorry?

4           **Q**     Did he show you how?

5           **A**     Officer Wilson kind of spoke with his  
6     hands and he does demonstrate that the subject --

7           **Q**     Can you stand up and show us, please?

8           **A**     Yes. When the subject turns around, his  
9     right and goes to his waistband. Now, he did not  
10    say in his waistband or he just says to his  
11    waistband.

12                   And like we kind of covered earlier,  
13    the cursory interview is not to get, it is more so  
14    for the physical evidence to assist the  
15    investigators on the scene.

16                   So any clarifying questions would  
17    have been done during an audiotaped interview,  
18    which occurred later on.

19           **Q**     Okay. Let me show you, but he put his  
20    right hand near his waistband?

21           **A**     Towards his waistband.

22           **Q**     Nothing specific about his left hand?

23           **A**     Doesn't say anything about it.

24           **Q**     Okay, all right. He lets off, I think you  
25    said, five more shots?

1           **A**     Yes, he says that the first shots were  
2     five, he believes it was approximately five rounds  
3     of ammunition and the subject continued towards him.

4                     He then discharged two additional,  
5     approximately two additional rounds of ammunition,  
6     and he said those had no effect and the subject  
7     continued towards him.

8                     He then states that the subject  
9     started to lean forward and to Officer Darren Wilson  
10    appeared that the subject was attempting to tackle  
11    him, and that's his word was tackle. At which time  
12    he discharged one additional round of ammunition.

13                    Officer Wilson stated he then used  
14    his radio and notified his dispatcher, and I believe  
15    his quote was, "send me every car you've got and the  
16    supervisor."

17           **Q**     Did he indicate that he knew where that  
18    last round landed?

19           **A**     He said he believed it hit him in his  
20    head.

21           **Q**     Have you ever heard any of the radio  
22    transmissions?

23           **A**     Afterwards, yes, I have.

24           **Q**     All right. It was part of your  
25    investigation to listen?

1           **A**     I listened to bits and pieces, but as far  
2     as a continual listening to every piece of radio  
3     traffic, no, that was not my responsibility.

4           **Q**     What part of the radio traffic were you  
5     interested in listening to?

6           **A**     I believe it was just random bits to see  
7     what all that we had. So from at the very beginning  
8     would be him being dispatched to the sick case  
9     through the end of when St. Louis County basically  
10    departed the scene.

11                   There was no specific pieces of radio  
12    traffic that I was either interested in or  
13    documented.

14          **Q**     But you listened to the radio traffic from  
15    the sick case to when St. Louis County came on the  
16    scene?

17          **A**     Not completely through.

18          **Q**     Okay.

19          **A**     I don't know if I said that right, but  
20    just to see where it started and where it ended.

21          **Q**     I see.

22          **A**     I didn't listen to anything in between.

23          **Q**     Okay. Did he ever, I think you said that  
24    when he saw his right hand go to his waist, did he  
25    say he thought he had a weapon?

1           **A**     I'm sorry?

2           **Q**     Did he say that he thought that Michael  
3     Brown had a weapon?

4           **A**     He didn't know.

5           **Q**     He didn't know?

6           **A**     He did not know.

7           **Q**     That was his concern?

8           **A**     Yes.

9           **Q**     When he put his hand to his waist?

10          **A**     Yes.

11          **Q**     He did say that?

12          **A**     He said due to the assault and not knowing  
13     that he was concerned.

14          **Q**     Okay. Does he ever mention anything about  
15     some Cigarillos?

16          **A**     Are you speaking of Officer Darren Wilson?

17          **Q**     Yes.

18          **A**     The only thing he mentions about  
19     Cigarillos was during his recollection of the  
20     initial call, comments for the stealing in progress  
21     at 9101 West Florissant. It was never addressed  
22     after that or brought up.

23                   MS. WHIRLEY: Questions?

24   :   . When you  
25     mentioned the struggle inside the vehicle with the

1 officer and Michael Brown, did Michael Brown have  
2 anything in his hands, did he mention he had  
3 anything in his hands at the time?

4           **A**     He says when, the way he describes it is  
5 when he reaches back and says, "here, take this."  
6 That he hands something off to the other individual,  
7 but he doesn't know what it was. So he just says,  
8 he left it at something.

9                                 :                                 Did you  
10 state that after the first shot went off in the car  
11 when he was trying to gain control of his weapon,  
12 that it misfired two more times?

13           **A**     The total number that he can approximate  
14 is three. The first time he pulled the trigger he  
15 said that it misfired. The second time he pulled  
16 the trigger it fired and then he said he tried two  
17 additional times and they misfired.

18                                 :     Okay, thank you.

19   The first  
20 misfire he said was because Michael's hand was on  
21 the gun, what about the second and third one, was  
22 there still that contact going on?

23           **A**     He says that that's what he believed.  
24 Now, I'm not a firearms expert nor was I there, but  
25 he says that he believes that that's what caused the

1 misfire.

2                   Throughout this he never says that  
3 Michael, the subject, takes his hand off the weapon  
4 until he continues the assault, the second assault  
5 in the vehicle.

6                   Just to follow-up, did you  
7 have a sense for how long that altercation lasted?

8           **A**     He approximated a minute from start to  
9 finish.

10                   :                   . When we  
11 talk about misfire, can you kind of walk us through  
12 that process what it looks like?

13           **A**     Sure. So there's many reasons. And like  
14 I said, I'm not a firearms expert, however, in my  
15 job I do carry a firearm and know some things about  
16 it is that a weapon can misfire for many different  
17 reasons.

18                   One of them being if there's anything  
19 that is impeding the hammer of the firearm from  
20 coming forward and striking the firing pin, that  
21 will cause the weapon to misfire. So if you put  
22 anything in there, a piece of rope, or as the case  
23 may be, if a hand is pushed down on that hammer, it  
24 won't let that hammer cycle and won't allow the  
25 weapon to fire. Does that clarify it?



1 : Yeah,

2 So the bullet would remain in the gun, it  
3 would not have impacted, it potentially would be  
4 able to be shot again, there would no casing  
5 discharged?

6 **A** Correct. So if the weapon misfires in  
7 that form, the casing will not be discharged, the  
8 round that is currently in the chamber will still be  
9 a live round, it will still fire if the gun cycles  
10 properly the next time.

11 Okay, thank you.

12 MS. ALIZADEH: I have a follow-up question  
13 about that. And you're familiar with the Sig Sauer  
14 weapon that this officer was carrying?

15 **A** I am.

16 **Q** (By Ms. Alizadeh) And this is a weapon  
17 that when it fires properly, the empty cartridge is  
18 ejected from the gun ejection port, right?

19 **A** Yes.

20 **Q** And that's on top of the weapon, at least  
21 in the area where Officer Wilson said Michael Brown  
22 had his hands, correct?

23 **A** That is correct.

24 **Q** Can you explain to the jurors what  
25 stovepiping means?

1           **A**     Stovepiping is a term used in firearms  
2     where the round, a live round will be, it could be a  
3     spent round also, casing is basically partially  
4     ejected and is situated in a manner that looks like  
5     the round is sitting vertical on the gun. If I'm  
6     explaining this right, to where it would look like a  
7     stovepipe coming out of an oven. And that basically  
8     means that the casing was not fully extracted from  
9     the chamber and the gun did not cycle properly.

10          **Q**     And is it possible, again, we will have a  
11     firearms expert testifying about this, has that ever  
12     happened to you?

13          **A**     At the range, yes. I mean, it is a  
14     malfunction that is not common, but it does occur.

15          **Q**     And so if there would be something  
16     blocking that cartridge from flying out of that  
17     ejection port, it could be stuck inside partially in  
18     and out of the weapon, correct?

19          **A**     Yes.

20          **Q**     And if that were to occur, would you be  
21     able to discharge another round with that  
22     projectile, that cartridge still partially in that  
23     ejection port?

24          **A**     No. And also when that casing is  
25     stovepiped, it allowed, the gun is out of battery,

1     which means it won't cycle again. So you would have  
2     to clear the malfunction, and there's a drill that  
3     they train us on of how you would have to clear the  
4     stovepipe, the round.

5                                     I'm                                     . This  
6     is going back to the time that you arrived at the  
7     Ferguson Police Department to speak with Officer  
8     Wilson, Darren Wilson. And at the time you said he  
9     showed you where his gun, where he says that his gun  
10    was contained in his package.

11           **A**     Uh-huh.

12                                     : Can you describe that  
13    package for us?

14           **A**     I can. It is a manila envelope, which is,  
15    I'd probably say 9 by 13 size, and what it looked  
16    like is I didn't see if it was sealed because the  
17    way it was positioned on the table is that the flap,  
18    I guess for it, was positioned down, if that makes  
19    sense.

20                                     : Yeah, that is what I  
21    wanted to know.

22           **A**     Sure.

23                                     : I need clarification if it  
24    was sealed or not. And from the time of the  
25    incident until the time that Officer Darren Wilson

1 was transported to Christian Northwest to document  
2 his injuries or whatever, can you give me some idea  
3 about how much time had elapsed from that point to  
4 the point that he arrived at the hospital?

5 **A** Well, the only thing I could speak of is  
6 the time that we were notified at this point. I  
7 don't exactly know what time the incident occurred  
8 and what time he departed the scene, it wasn't part  
9 of my responsibility or my interview at the time.

10 I know that we were notified at  
11 12:43. I arrived at 1:30 on scene and I first  
12 contacted Officer Darren Wilson at 2:00 p.m.

13 The conversation at Ferguson Police  
14 Department lasted minutes, not long at all and then  
15 he was transported to Christian Northwest Hospital.

16 MS. WHIRLEY: How long would you say, how  
17 much time did you spend with him at Christian  
18 Hospital.

19 **A** I probably say 30 minutes. Obviously it  
20 took some time to get photos taken and then any time  
21 that either a registration nurse, a physician's  
22 assistant or nurse would enter the room, the  
23 interview would basically just stop for privacy  
24 reasons. That would be common practice even if it  
25 was a normal investigation.

1 . So from  
2 the time that you finally left him at the hospital  
3 or whatever.

4 **A** Uh-huh.

5 : Do you know about what  
6 time that was?

7 **A** I probably say I left probably between  
8 2:45 and 3:00. From that point I returned back to  
9 the Ferguson Police Department.

10 Yes, ma'am.

11 : During  
12 the scene, the time that the officer was still  
13 positioning his car, struggling with Mr. Brown, did  
14 he ever indicate that he was trying to call for  
15 help?

16 **A** I'm sorry?

17 : Did he ever say that he  
18 was trying to call for help or backup?

19 **A** He did not. He said that initially even  
20 before, as you put it the altercation took place, he  
21 says that he requested, advised the dispatcher he  
22 was conducting a pedestrian check and then he  
23 requested an assist car at that point before the  
24 confrontation at the vehicle ever took place.

25 : So when an officer in his

1 position will call for help, does he have a  
2 microphone here or radio dispatch on his waist?

3 **A** In a later interview with Officer Wilson,  
4 we found that he keeps the radio on his right side.

5 MS. ALIZADEH: You are pointing to your  
6 left side?

7 **A** I'm sorry, it is on his left side, I  
8 apologize. I'm sorry, on his, thank you, his left  
9 side. And then there would be a radio inside of the  
10 vehicle also.

11 : So still . He  
12 gets out of the car and he tells him to halt, but he  
13 says the victim kept running. So at that time he  
14 still had not called for backup?

15 **A** He says that as he's exiting the vehicle  
16 he announces shot fires and requested assistance at  
17 that point. That would be once he is getting out of  
18 the car.

19 He's --

20 **A** I'm sorry?

21 Did he fire once he got  
22 out of the car or did he call and then fire?

23 **A** No, he, okay he, I'm trying to explain it  
24 to where. So essential what happens is after, he  
25 tells us that after the first shot that went off

1 while he was in the vehicle, the subject comes back  
2 in and assaults him and then takes off running east  
3 on Canfield away from the car.

4 : Uh-huh.

5 **A** Officer Wilson then tells us that he opens  
6 his door and as he is exiting the vehicle, he gets  
7 on his radio and announces, or notifies his  
8 dispatcher of shots fired and requests an assist  
9 car.

10 So at that point that would be his  
11 second, as he puts it, second radio transmission  
12 regarding this incident announcing where he  
13 announced shots fired and requested assistance at  
14 that point.

15 So what did he say would  
16 be his reason to keep firing after he got out of the  
17 car and calling for help?

18 **A** Okay, uh --

19 : If the suspect is running,  
20 then what would be your initial reason to keep  
21 shooting?

22 **A** As Darren Wilson describes it, the subject  
23 turned around at that point. He doesn't tell us  
24 that he fired any rounds from the time that he got  
25 out of the car to the time that the subject turns

1 around. He just announces on the radio that shots  
2 were fired.

3 And from being a police officer as  
4 long as I have, that's the same thing as an officer  
5 needs aid, requesting immediate assistance, if you  
6 hear, you are a neighboring police officer and you  
7 hear any police officer and yell shots fired, that  
8 means that obviously something bad has happened.

9 : . I guess  
10 at the point where Michael Brown turned around, did  
11 Officer Darren Wilson, did he indicate he had any  
12 injuries?

13 **A** He doesn't, he doesn't say. Are you  
14 talking about Officer Wilson or the subject?

15 : The subject.

16 **A** He doesn't say nor do I ask. He just says  
17 he turns around and then the hand goes to the right  
18 side of his waistband. He never says that he saw  
19 any injuries on the subject nor did, like I said,  
20 nor did I ask.

21 : After the shot  
22 was fired in the car, you said he saw blood on his  
23 hand. Was Officer Wilson referring to his own hand  
24 or Michael Brown's hand?

25 **A** He was referring to his own hands. So



1 that's when he says, he tells me that he didn't know  
2 if he was injured, as far as he being Officer  
3 Wilson, or the subject was injured. He didn't know,  
4 he just saw the blood.

5 : . You said you've  
6 investigated several officer shootings, is it  
7 typical that prior to your arrival, that the officer  
8 already has a lawyer there?

9 **A** It can happen. I mean, it does happen on  
10 certain occasions and it would not impede us or  
11 change anything with the way we proceed. I mean, we  
12 would ask every police officer, just like we ask  
13 every victim or every witness or every suspect, if  
14 they would be interested in having a conversation or  
15 if they would be okay with an interview.

16 And we just assume that the attorney  
17 would and with what happened is, his attorney sat  
18 there and didn't say a word.

19 : And this case there isn't  
20 say, for instance, Ferguson Police Department, there  
21 isn't a lawyer staffed in the building readily  
22 available, it would have been just like anyone else,  
23 it would have been called in on Saturday, I imagine?

24 **A** I'm sorry to interrupt you.

25 : No, no.

1           **A**     I believe the attorney,                         is  
2     an attorney for the FOP, which is the Federal.

3 MS. ALIZADEH: Fraternal?

4           **A**       Fraternal Order of Police's attorney, I'm  
5       sorry. Basically he is, I don't want to say  
6       on-call, it is not the right word, but if a critical  
7       incident happens, the police officer, if a member,  
8       can call him any time.

9 : Thank you.

11 Stovepiping.

12                    **A**        Yes.

13                    You said the casing is  
14     not fully discharged from the weapon?

15           **A**       Uh-huh.

16 : It kind of looks like a  
17 stove, like a stovepipe on top of the gun?

18                    **A**            Uh-huh.

19 : It cannot be discharged  
20 again until that's taken apart?

21           **A**     The gun doesn't have to be taken apart.

22                               Until the casing,  
23 whatever, is taken off?

24           **A**     Right, it would have to be, the  
25     malfunction drill is, you have to remove the

1 magazine, lock the slide to the rear, which would  
2 remove the stovepipe round and the round that was  
3 somewhat forced into the chamber, or the barrel of  
4 the gun. You would have to reinsert the magazine  
5 and then put the slide forward and that would  
6 chamber another round.

7 So it's a three or four step process  
8 too, if a weapon does stovepipe, to clear that  
9 malfunction.

10 If a gun was, if a weapon  
11 was, a shot was fired inside the car that there  
12 would be a spent casing inside the car or could it  
13 exit the window?

14 **A** It could definitely eject through the  
15 window.

16 The window that's in  
17 front of you?

18 **A** Yes, it could have, in just my experience,  
19 casings could end up in very odd places. It will  
20 eject, and it could bounce off something, you know,  
21 there is plenty of obstructions inside of a car, any  
22 typical car a steering wheel, the dashboard, it  
23 could end up anywhere.

24 Or moving body?

25 **A** A moving body, yeah. It could have been,

1    seen it before where it is caught in clothes and it  
2    would fall out as a person is running away and it is  
3    further away from the scene than what you would  
4    expect.  There's no predetermined place for a casing  
5    to land when it is ejected.

6 . I'm just  
7 trying to get idea of the logistics of the utility  
8 belt.

9           **A**       Okay.

10 : Okay. Now, you told us  
11 the radio is kind of like on the left hip?

12            **A**            Uh-huh.

13 : Is that basically where  
14 everybody wears it?

15                    **A**            Uh-huh.

16 : Give me some idea where  
17 the mace is, where the baton is in relationship to  
18 the gun?

19           **A**     Okay.  On Darren Wilson's belt  
20     specifically?

21 Uh-huh.

22           **A**     It was, the mace on the left side, his  
23     radio was on that side also.

24 : Uh-huh.

25           **A**       There is a, it is more like a utility belt

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1 loop where you would either hang a flashlight or you  
2 can put a spare set of handcuffs on it. And then on  
3 the back side, I believe there was a set of  
4 handcuffs and his duty holster on his duty belt was  
5 on his right hip. On the right side, but in the  
6 front are two additional, it is called a magazine  
7 pouch and it carries two reserve magazines for your  
8 pistol.

[illegible]

11           **A**       The mace is right here.

12 : The mace is on the left?

13           **A**       It is on the left.

14 : Okay.

15           **A**     That's the situation, I guess, of his duty  
16     belt.

17 : Okay, thank you.

18 : . Getting back  
19 to the positioning of the shooting. When Michael  
20 Brown turned around, Officer Darren Wilson said he  
21 was approximately 30 foot between them?

22           **A**       (Nods head.)

23 : As Michael Brown charged  
24 towards him, he backed up to keep the distance.  
25 Does he indicate that Michael Brown was closing

1 distance on him?

2           **A**     He says that, and I don't want to make an  
3 assumption, I'm just telling you what he says. The  
4 distance started at 30 feet and then it was reduced  
5 down to 15 feet.

6           MS. WHIRLEY: If there are no other  
7 questions, you did actually do a recorded interview  
8 with Michael Brown; is that correct? (sic)

9           **A**     I did.

10          **Q**     (By Ms. Whirley) And who was present  
11 during that interview?

12          **A**     It was myself, Detective  
13 who was the case detective, police officer Darren  
14 Wilson and his attorney

15          **Q**     Any idea how long that interview was?

16          **A**     I'd say roughly 30 minutes.

17          **Q**     30 minutes, okay. We're not going to ask  
18 you to sit through the interview, I was just setting  
19 it up because you are the person that actually did  
20 that interview.

21                   Any other questions?

22           MS. ALIZADEH: I do want to ask about that  
23 interview as well. So that is recorded and we're  
24 going to play that later.

25                   The interview actually was primarily

1 conducted by wouldn't that be fair to  
2 say?

3 **A** Yes.

4 MS. ALIZADEH: You were present and also  
5 asked questions, but is the primary  
6 speaker or the primary questioner I would say,  
7 correct?

8 **A** Yes.

9 MS. ALIZADEH: And that was video or audio  
10 recorded?

11 **A** Audio recorded.

12 MS. ALIZADEH: Now, you will sometimes  
13 video record homicide suspects; is that correct?

14 **A** That's correct.

15 MS. ALIZADEH: And you an interview room,  
16 several interview rooms over at your headquarters  
17 that are equipped with video cameras and that are  
18 for that purpose, interviewing suspects, correct?

19 **A** Yes.

20 MS. ALIZADEH: Why didn't you video record  
21 his, and I don't know if it was your decision or  
22 another officer's decision, do you know why he was  
23 not put in an interview room and interviewed like  
24 you would a suspect in a homicide?

25 **A** Our interview rooms are small, they're

1 kind of that way for a reason. They are 4 feet by  
2 6 feet. And with just one interviewer and a person  
3 being interviewed, is very tight.

4 So with two detectives, a person  
5 being interviewed and their attorney, that room,  
6 those rooms are just not conducive for that type,  
7 the amount of people.

8 So the room that we chose to use is a  
9 small conference room with a table and about six  
10 chairs that are around it. So it was more  
11 accommodating, we would use that option if we needed  
12 it on any interview.

13 MS. ALIZADEH: And so there was an audio  
14 recording made of that interview, correct?

15 **A** That was done at the St. Louis County  
16 Police Headquarters within the office of the  
17 Division of Criminal Investigation, which is where  
18 our offices are.

19 MS. ALIZADEH: Also just to clarify, you  
20 are now aware that the FBI is conducting an  
21 independent investigation into civil rights  
22 violations, correct?

23 **A** Yes.

24 MS. ALIZADEH: I'm not going to get into  
25 the date that that began or anything like that, but



1     when you did your interview at the department  
2     headquarters in the conference room, the one we are  
3     going to listen to, was FBI conducting joint  
4     interviews at that time?

5             **A**     At that time, no.

6             MS. ALIZADEH:   Okay.   Now, after that  
7     date, at some point during this lengthy  
8     investigation, was there a decision made between  
9     your superiors and people with, you know, the feds  
10    that if at all possible, it would be better that you  
11    all conduct joint interviews?

12            **A**     Yes.

13            MS. ALIZADEH:   But the feds were not  
14    involved in the interview that Darren Wilson gave at  
15    your headquarters in the conference room?

16            **A**     Correct.

17            MS. ALIZADEH:   Okay.

18                               :                       .   I just  
19    want to clarify, that interview, the recorded  
20    interview was with Officer Darren Wilson?

21            **A**     Yes, Officer Darren Wilson and Detective

22

23   I may have misheard.

24            **A**     No, that's okay.

25            MS. ALIZADEH:   We haven't heard it yet,

1 just so you know.

2 MS. WHIRLEY: Put on the  
3 record, clarify what you said.

4 I think Sheila may have  
5 said did you do an interview with Michael Brown.

6 **A** Oh, I'm sorry.

7 MS. WHIRLEY: If I said that, that was, of  
8 course, incorrect.

9 **A** Yes.

10 MS. WHIRLEY: You did an interview with  
11 Darren Wilson?

12 **A** I'm sorry.

13 MS. WHIRLEY: So thank you,

14 MS. ALIZADEH: And that, of course, the  
15 interview with Darren Wilson, conducted by county  
16 police officers we will play for you later today.

17 Any other questions of this officer before  
18 he is to leave?

19 : One last  
20 question. After your initial interview, the cursory  
21 interview, did you return back to the scene and  
22 report or how does that work?

23 **A** What occurred is I returned, I left  
24 Christian Northwest Hospital and returned to the  
25 Ferguson Police Department initially. While I was

1     there, I waited maybe 10, 15 minutes for Officer  
2     Wilson to return and Lieutenant Colonel                   to  
3     return.

4                   It was at that point when they did  
5     return, we seized, when I say we, I'm referring to  
6     Detective                   seized the uniform worn by  
7     Darren Wilson during the incident. And that's at  
8     which time his weapon was seized and it was in that  
9     evidence envelope or that manila envelope that we  
10    had talked about earlier. So that's when the weapon  
11    and uniform were seized.

12                  Following that, I did return to the  
13    scene there on Canfield Green Apartment Complex.  
14    The reason for that is, goes hand in hand with our  
15    cursory interview. The way I explained it earlier  
16    is that with the information that I obtained through  
17    the cursory interview, I provide that to Detective  
18                  so that it will allow the members of the  
19    police department at the scene to make sure we have  
20    encompassed everything that might be involved.

21                  So they have a statement that will  
22    either, you know, if they need to look over here for  
23    evidence or over there, they know based on the  
24    cursory statement. We would do that with any  
25    witness or anybody that could give us any

1 information, we'll use that to, influence is the  
2 wrong word, make us look in the right spot, if you  
3 understand what I'm saying, I'm sorry.

4 : .

5 **A** Yes.

6 : Do you feel that the way  
7 the weapon was handled before it got to your St.  
8 Louis County investigator, compromised the  
9 investigation in any way?

10 **A** No, it is just different than what St.  
11 Louis County would do. However, chain of custody  
12 was maintained and that's really the only thing that  
13 would be important to me as an investigator that it  
14 went from Officer Darren Wilson, to Detective  
15 to Detective those are  
16 the chains that, obviously, I would be concerned  
17 about. It appeared that it was maintained, so.

18 MS. ALIZADEH: And also looking at my  
19 notes I neglected to ask, you've mentioned that you  
20 investigated a number of police officer involved  
21 shootings?

22 **A** Correct.

23 MS. ALIZADEH: And have you interviewed  
24 the police officers involved in those shootings?

25 **A** On some of them.

1 MS. ALIZADEH: And in your experience, is  
2 it unusual for the officer to not be able to  
3 accurately recall how many or the sequence of shots  
4 that were fired during the critical incident?

5 **A** Not at all, it is actually common.

6 MS. ALIZADEH: Okay. Nothing further.

7 **A** Thank you very much.

8 (End of the testimony of Officer  
9 )

10 (Recess)

11 MS. ALIZADEH: This is the 16th of  
12 September, the time is approximately 1:16. This is  
13 Kathi Alizadeh with the prosecutor's office.  
14 Present are all 12 jury grand jurors, as well as the  
15 court reporter, Sheila Whirley has stepped out.

16 To begin the afternoon session what I  
17 would first like to do is to play an audio file that  
18 is contained on Grand Jury Exhibit Number 17.  
19 Remember, this is one of those I renumbered. I  
20 think it used to be 9 or 10, but anyway, it is now  
21 Grand Jury Number 17. I'm going to play a recording  
22 of an interview of Darren Wilson and the interview I  
23 have transcripts that I'm going to pass out.

24 Again, if you will to take one and put  
25 your juror number in the corner. Before I actually

1 start this, this interview is the interview that  
2 talked about that was recorded in a  
3 conference room at the police headquarters.

4 And so as you can see from the transcript,  
5 the main speakers are Detective and in the  
6 transcript that is DET. and then when Darren  
7 responds it is D. Wilson.

8  
9 They both have the distinctive voices  
10 and hopefully it won't be too confusing for you to  
11 tell who is speaking.

12 Also during the interview you will hear  
13 that they give Darren Wilson a map to write on and  
14 then also a photo lineup that they ask him if he can  
15 identify somebody.

16 So that happens later in the interview.  
17 I'm going to let you guys look at those and I can  
18 put them up on the screen if you like, but those are  
19 what is being referenced when they are talking and  
20 those are copies.

21 : .  
22 Miss Kathi, is this Ferguson or St. Louis County  
23 interviewing him?

24 MS. ALIZADEH: Detective is with  
25 the County Police Department, and I think he

1 announces that in the beginning paragraph who is  
2 with, who is present and who they're with.

3 And also, I'm going to tell you because we  
4 have another witness that's here that we need to  
5 meet with briefly, and Sheila and I both need to do  
6 that, I'm going to start this and I'm going to walk  
7 out. I would ask that you not deliberate or  
8 anything while I'm gone because is still here  
9 and he's going to just be present while this is  
10 being played and then if we're not back in 30  
11 minutes, which I can't imagine it is going to take  
12 30 minutes, when we come back we'll stop it. If it  
13 stops before, then we'll just, said he would  
14 then just leave the room so he is not sitting here  
15 alone with you all.

16 If by chance we're not  
17 back when this ends, you know it will start over  
18 from the beginning automatically, so you can just  
19 click the pause or that square to stop it.

20 (This is the audio recording being played  
21 at this time.)

22 MS. ALIZADEH: Is there any part of this  
23 that you all want to hear again or hear it again in  
24 its totality? And again, this is available for you  
25 to listen and the transcripts are for you to keep in

1 your materials, all right.

2 So you ready for the next witness?

3 Can I take a quick

4 bathroom break?

5

6 of lawful age, having been first duly sworn to

7 testify the truth, the whole truth, and

8 nothing but the truth in the case aforesaid,

9 deposes and says in reply to oral

10 interrogatories, propounded as follows, to-wit:

11 EXAMINATION

12 BY MS. ALIZADEH:

13 Q Could you state your name and spell it for  
14 the court reporter?

15 A

16

17 Q And just in case I slip, you go by  
18 is that right?

19 A I do, yes.

20 Q I'll try to remember to call you

21 Miss

22 A Yes.

23 Q All right. What do you do, Miss ?

24 A I'm an FBI agent.

25 Q How long have you been with the FBI?



1           **A**     I've been with the FBI about three and a  
2     half years.

3           **Q**     And prior to your employment with the FBI,  
4     were you otherwise employed in law enforcement?

5           **A**     I was a civilian crime scene examiner for  
6     Baltimore County Police Department.

7           **Q**     Okay. So you were a civilian crime scene  
8     examiner?

9           **A**     Investigator.

10          **Q**     So you weren't a commissioned police  
11     officer?

12          **A**     I was not.

13          **Q**     So prior to becoming an FBI agent, you  
14     were never a commissioned police officer?

15          **A**     No, I was not.

16          **Q**     So all of your law enforcement career has  
17     been with the FBI, other than the civilian crime  
18     scene investigator?

19          **A**     Yes, ma'am.

20          **Q**     So where are you officed?

21          **A**     St. Louis, Missouri.

22          **Q**     Is your office in the FBI headquarters  
23     downtown in St. Louis City?

24          **A**     Yes, ma'am.

25          **Q**     And back in early August of this year,

1 were you asked to assist with an investigation  
2 involving the shooting death of Michael Brown?

3 **A** I was.

4 **Q** And you're aware that the Department of  
5 Justice is conducting an investigation into civil  
6 rights violations that might have occurred involving  
7 the shooting death of Michael Brown?

8 **A** Yes, ma'am.

9 **Q** Now, the FBI, that's a federal agency,  
10 right?

11 **A** Yes.

12 **Q** You're a federal agent?

13 **A** Yes.

14 **Q** I'm not going to get into a law school  
15 class about this, but typically you aren't typically  
16 investigating murders and rapes and things that  
17 maybe state level law enforcement officers  
18 investigate, would that be fair to say?

19 **A** Yes.

20 **Q** And so what your role is or what you are  
21 limited to is investigating violations of federal  
22 laws, correct?

23 **A** Yes, ma'am.

24 **Q** And so is that primarily what your role is  
25 in this case is to investigate violations of any

1 federal laws?

2 **A** Yes, ma'am.

3 **Q** So when were you first brought in on the  
4 investigation of the shooting death of Michael  
5 Brown?

6 **A** August 11th, 2014.

7 **Q** And have you continued to be involved in  
8 this investigation since August 11th?

9 **A** Yes.

10 **Q** And have you, in the course of your  
11 investigation, did you interview Darren Wilson?

12 **A** Yes.

13 **Q** Have you conducted numerous other  
14 interviews of other witnesses?

15 **A** Yes.

16 **Q** Both lay people or civilians and law  
17 enforcement?

18 **A** Yes.

19 **Q** And, in fact, is your investigation still  
20 going on?

21 **A** It is.

22 **Q** And so what I'm going to ask you about  
23 today is about your interview with Darren Wilson,  
24 but we know you had other things to do with this  
25 case. If we need to have you testify about other

1 aspects of your investigation, would you return to  
2 the grand jury to give further testimony?

3 **A** I will.

4 **Q** All right. So just for today, I'm not  
5 saying I'm limiting you in asking your questions,  
6 but just for today the purpose I'm going to be  
7 asking you questions is about your interview with  
8 Darren Wilson, okay?

9 **A** Yes.

10 **Q** Now, on what day did you interview Darren  
11 Wilson?

12 **A** August 28th, 2014.

13 **Q** Now, during the time of your involvement  
14 with this investigation, was there a time when the  
15 FBI agents involved and the attorneys are either  
16 with the U.S. Attorney's office or Department of  
17 Justice kind of agreed to work together with the  
18 county investigators in conducting interviews  
19 together?

20 **A** Yes.

21 **Q** Were you aware prior to your interview of  
22 Darren Wilson, were you aware that he had already  
23 been interviewed by county detectives about the  
24 shooting death of Michael Brown?

25 **A** Yes.

1           **Q**     And did you have a copy of that interview?

2           **A**     Yes.

3           **Q**     And had you listened to it prior to your  
4 interview of Darren Wilson?

5           **A**     Yes.

6           **Q**     So now given that he's already given an  
7 interview with the county detectives, why is it that  
8 you decided to interview him again on the 28th?

9           **A**     As we do separate investigations, my  
10 investigation is a civil rights investigation. Part  
11 of that and what I do in investigating civil rights  
12 is violations under the color of law, which that's  
13 why we're taking a look at this shooting, is to see  
14 if Officer Wilson was in violation of his sworn  
15 duties.

16                     And because of that, he is a subject  
17 of an investigation and very important and we are,  
18 it is separate, excuse me, from a homicide  
19 investigation, what the county is conducting, so we  
20 felt it necessary to conduct a separate interview.

21           **Q**     And at the time that Michael Brown, I'm  
22 sorry, Darren Wilson was interviewed by the county  
23 detectives, was that before you all started  
24 conducting joint interviews?

25           **A**     Yes, ma'am.

1           **Q**     And the joint interviews, is it time  
2     saving for detectives as well as less inconvenience  
3     for witnesses and so forth?

4           **A**     That main reason has to do with the fact  
5     you want to limit statements given to avoid  
6     inconsistency, because it is human nature.

7           **Q**     And in any case, you wanted to ask  
8     additional questions at some point involving your  
9     investigation of                   Wilson?

10          **A**     Yes.

11          **Q**     I mean, Officer Wilson, Darren Wilson?

12          **A**     Yes.

13          **Q**     All right. And so did you or someone else  
14     with the FBI contact Darren Wilson and/or his  
15     attorney about having him come in to give a  
16     statement?

17          **A**     Yes.

18          **Q**     Did they agree to do that?

19          **A**     They did.

20          **Q**     They appeared at your headquarters?

21          **A**     Yes.

22          **Q**     So who came to the interview, who was  
23     present?

24          **A**     Officer Darren Wilson, as well as his  
25     attorney,                             and another attorney,

1 I believe.

2 Q

3 A as well as assistant United States  
4 attorney, , Department of Justice trial  
5 attorney and also present was another  
6 special agent,

7 Q And so where did this interview take place  
8 in your FBI headquarters?

9 A It took place, we have interview rooms in  
10 the front, that's where it took place.

11 Q So was this a conference room looking at  
12 area or, I mean, is everybody sitting around the  
13 table?

14 A It is.

15 Q Okay. And did you record these, this  
16 interview?

17 A We did not.

18 Q Why is it that you didn't record this  
19 interview?

20 A It is not generally the FBI's policy to  
21 record. It was made, the decision was made since he  
22 already had a recorded statement as well, to not  
23 record an additional statement.

24 Q During the interview, did you take notes  
25 during the interview?

1           **A**     I did.

2           **Q**     Did you use those notes, do you use those  
3 notes generally then to write a police report or  
4 what you guys call 302s?

5           **A**     Correct.

6           **Q**     And 302 is just a number that is for that  
7 type of a report that you write, for example, when  
8 you are summarizing an interview, would that be fair  
9 to say?

10          **A**     Yes.

11          **Q**     And so, again, in this scenario you are  
12 questioning him because he is the subject of a  
13 federal investigation into civil rights violations,  
14 correct?

15          **A**     Yes.

16          **Q**     So when he arrived, was there any  
17 discussion between you and his attorney or him about  
18 there being any limitation on the questions that you  
19 were going to ask him?

20          **A**     No, there was no limitation.

21          **Q**     Did you read him Miranda warnings?

22          **A**     No, we did not.

23          **Q**     And why not?

24          **A**     He was not in custody.

25          **Q**     So he came there voluntarily, he wasn't



1 arrested. Were you planning on placing him under  
2 arrest after you were questioning him?

3 **A** No.

4 **Q** And his attorney was present during the  
5 entire interview?

6 **A** Yes.

7 **Q** And was there ever a time when you had  
8 breaks during the interview where he was left alone  
9 in the room with his attorney?

10 **A** They had the option. I can't recall if  
11 there were breaks or not.

12 **Q** About how long did your interview last?

13 **A** Approximately an hour.

14 **Q** And were there questions asked by you  
15 during the interview?

16 **A** Yes.

17 **Q** Did the Department of Justice trial  
18 attorney, , did she ask questions as  
19 well?

20 **A** She did.

21 **Q** Did U.S. attorney or assistant U.S.  
22 attorney , I think it is ,  
23 correct?

24 **A** Yes, ma'am.

25 **Q** Did he ask questions as well?

1           **A**     He did.

2           **Q**     Did                      ask questions as well?

3           **A**     She did.

4           **Q**     And how would describe Darren Wilson's  
5     demeanor during the time you interviewed him?

6           **A**     Cooperative.

7           **Q**     Did he appear nervous?

8           **A**     No.

9           **Q**     And so did you, was this the first time  
10    you had ever met Darren Wilson?

11          **A**     Yes, it was.

12          **Q**     And you're aware that he is on  
13    administrative leave; is that correct, or did you  
14    know that?

15          **A**     I didn't know it was administrative leave,  
16    I just know he had not returned to work.

17          **Q**     He didn't come in a policeman's uniform to  
18    the interview, did he?

19          **A**     No.

20          **Q**     And so can you just and summarize for the  
21    jurors, what you talked about or what you asked him  
22    during the interview?

23          **A**     We, we went over his career as a police  
24    officer, just a brief rundown that he had been a  
25    police officer in Jennings Missouri Police

1 Department for two years prior and had worked for  
2 Ferguson since October 2011, Ferguson Police  
3 Department.

4 And then we went into August 9th,  
5 2014, where he was working a shift from 6:00 a.m. to  
6 6:00 p.m. Around noon, just before noon he received  
7 a call, a sick call he referred to it as. An infant  
8 who had a fever. While he was at that call he heard  
9 over the radio a call for a stealing in progress  
10 where, is it okay if I refer to my notes?

11 Q Sure.

12 A Sorry, I don't mean to look down. He  
13 heard it was at a market, he didn't hear which one  
14 and he heard a description over the radio saying the  
15 subjects were walking towards the QuikTrip, stole  
16 Cigarillos and one subject was wearing a black  
17 shirt.

18 Wilson cleared that sick call because  
19 the mother and the infant were taken to the  
20 hospital. He cleared the call and he was going  
21 eastbound on Canfield. The sick call was in an  
22 apartment complex, I believe it is called  
23 Northwinds, and to get back to West Florissant, I'm  
24 sorry, west on Canfield.

25 And as he's driving, he sees two

1 individuals in the middle of the road walking single  
2 file and as he pulls up, he sees who he identifies  
3 later at a later date as of the date of the  
4 interview as Dorian Johnson and Michael Brown. He  
5 didn't know them before.

6           **Q**     When he was talking with you, he, at that  
7 point knew that the deceased was Michael Brown and  
8 that the other gentleman is Dorian Johnson, correct?

9           **A**     Yes, ma'am.

10          **Q**     But during your interview, did he refer to  
11 them by name, those names then?

12          **A**     He did.

13          **Q**     But did you clarify with him that this  
14 was, were these individuals he had ever heard of or  
15 had any contact with previously?

16          **A**     We did clarify and no, he did not. He did  
17 not know who they were prior to this interaction.

18          **Q**     Okay. So you say he sees these two  
19 subjects who he now knows as Michael Brown and  
20 Dorian Johnson, what happened next?

21          **A**     Dorian was first, so he pulled up next to  
22 him and asked him why don't you guys walk on the  
23 sidewalk. He made the statement, it wasn't in a  
24 confrontational way because he was more concerned  
25 about going back to the station to have lunch, it

1 was about that time.

2 Dorian's response was, we're just  
3 about to our destination, Dorian was not  
4 confrontational either.

5 And Officer Wilson's response was  
6 okay, but what's wrong with the sidewalk. And  
7 Dorian kept, he continued to walk and Officer Wilson  
8 said he did not pay attention to Michael Brown and  
9 he was somewhat blocked. He has a big mirror, he  
10 was driving a Tahoe, so the mirror is quite large  
11 and Michael was blocked, he was just in that spot.

12 Because he was interacting with  
13 Dorian Johnson, didn't notice Michael walking or any  
14 demeanor and so when he says okay, but what's wrong  
15 with the sidewalk, Michael says, "fuck what you have  
16 to say."

17 I'm sorry, let me refer to my notes.  
18 Officer Wilson's attention was then drawn to Michael  
19 Brown and he noticed that Michael Brown's hands were  
20 full of Cigarillos. He looks in his rear view  
21 mirror and also saw that Dorian was wearing a black  
22 T-shirt.

23 Thinking back on the call, Michael  
24 Brown was wearing a gray T-shirt and the call was  
25 they stole Cigarillos and one was wearing a black

1 shirt. So kind of putting two and two together or  
2 thinking that these might be the two guys, he puts  
3 the car into reverse.

4 Q Now, when you say putting two and two  
5 together, is that what he was telling you that he  
6 put two and two together or is that your  
7 interpretation of it?

8 A He said he recalled the description that  
9 came out over the radio. I think I'm using that, I  
10 don't know what you would call that, but yes, he  
11 said that.

12 Q As much as possible because, obviously,  
13 you know, I don't want you to add to the statement  
14 or even interpret something that you believe he  
15 meant or said if he said it a certain way. So as  
16 best you can, stick with what he told you. So he  
17 said he recalled that earlier call about the  
18 stealing Cigarillos?

19 A Yes, ma'am.

20 Q And then what did he say happened?

21 A He said he put the car, I'm sorry, he  
22 called over the radio said I'm on Canfield with two,  
23 send me another car, that's quoted.

24 He then put his vehicle into reverse  
25 and angled the rear of the vehicle towards the

1 middle of the street as to block the two of them  
2 from getting away, or walking any further.

3 He said, Officer Wilson said his plan  
4 was to stall them until another officer got there.  
5 He was not going to try to arrest or even question  
6 either one of them because he was out numbered and  
7 incredibly outsized by Michael Brown. In fact, he  
8 quoted as saying, he would overpower me.

9 So before Wilson gets out of his car,  
10 he tells Brown, come over here a minute. Wilson  
11 attempted to open the door and Brown, Michael Brown,  
12 shoved the car door back at him.

13 And Michael Brown said to him, "what  
14 the fuck are you going to do about it."

15 Wilson, Police Officer Wilson  
16 unsuccessfully tried to open the door again, Michael  
17 Brown ducked his head in because he was taller than  
18 the vehicle, ducked his head in down, came in  
19 through the driver's side window swinging his arms,  
20 he described him swinging his arms wildly at Wilson.

21 He said Brown's right hand connected  
22 with the left side of his face. Wilson tried to get  
23 Michael Brown off him and also block the blows that  
24 were coming at him.

25 At some point Michael Brown turned

1 around and handed the Cigarillos that were in his  
2 hand to Dorian Johnson and Brown came right back  
3 around and hit Officer Wilson in the face with  
4 Michael Brown's left hand.

5                   Officer Wilson describes going  
6 through what he described as a force triangle in his  
7 mind, and that is the way he said they were trained.  
8 He knew he could use one level of force higher than  
9 was being applied to him, excuse me, than the threat  
10 level to his safety.

11           **Q**     And this force triangle is something that  
12 he said he was trained about?

13           **A**     Yes, ma'am.

14           **Q**     And he described it to you?

15           **A**     Yes, in just that way using one level  
16 higher.

17           **Q**     One level of force greater than the level  
18 of force being used against you or applied against  
19 him?

20           **A**     Yes, ma'am.

21           **Q**     Okay, go ahead.

22           **A**     He said he couldn't reach his mace, he  
23 also knew that in the academy he got sprayed with  
24 mace and he doesn't handle it well. So even if it  
25 doesn't hit him, he would not be, it would disable



1 him just as much as it would Michael Brown.

2 He did not carry a taser, so that  
3 wasn't even an option.

4 He had his asp baton on his belt and  
5 a mag flashlight in the passenger side. He said it  
6 would have given up too much of his body, Michael  
7 would of had to, could hit him more parts of his  
8 body if he tried to reach for either of those. He  
9 also couldn't deploy the asp baton inside the  
10 vehicle because it is collapsable.

11 Wilson said he thought Brown could  
12 beat him to death. He knew from his training  
13 because for just that reason, he was allowed to use  
14 deadly force.

15 He pulled out his gun and told Brown,  
16 stop I'm going to shoot you. Brown's response was  
17 and I quote, Officer Wilson quoting Brown, "you're  
18 too much of a pussy to shoot."

19 Brown grabbed the gun and twisted it  
20 down pointing at his left hip. And Officer Wilson  
21 attempted to raise the gun with Michael's hand on it  
22 and aimed, he described he aimed at the silhouette  
23 of Michael Brown through the car because he could  
24 not raise it. He couldn't pull the gun high enough  
25 to go through the open window.

1           **Q**     So at this point is he describing that  
2 both he and Michael Brown have their hands on the  
3 gun?

4           **A**     Yes, ma'am.

5           **Q**     Does he say, does he say which hand he had  
6 on the gun, his own hand?

7           **A**     His right hand.

8           **Q**     And did he say, was he holding it by the  
9 grips, the handle of the gun?

10          **A**     Yes.

11          **Q**     And then did he say what hand or hands  
12 Michael Brown had on the gun?

13          **A**     I don't believe I wrote which hand or  
14 heard which hand.

15          **Q**     Okay. So you don't recall if he said  
16 which hand he had on the gun?

17          **A**     I don't.

18          **Q**     But does he describe that they both were  
19 struggling over the gun at this point?

20          **A**     Yes.

21          **Q**     Does he describe where Michael Brown's  
22 hand or hands are on the gun?

23          **A**     He said, if he's holding the gun, he did  
24 this motion where his hand was overtop holding,  
25 Michael Brown's hand was over the gun, grabbing onto

1 Wilson's hand.

2 Q Okay. And you're not sure if Darren  
3 Wilson told you which hand Michael Brown was using  
4 at that point?

5 A I don't recall.

6 Q Okay. And so then what did he say, you  
7 said he managed to level the barrel, which might be  
8 the silhouette on the opposite side of the door, is  
9 where Michael is standing, correct?

10 A Yes, ma'am.

11 Q Okay. And then what happened?

12 A Sorry, I'm just referring to my notes. He  
13 pointed at Brown's body through the door, pulled the  
14 trigger and nothing happened, the gun did not go  
15 off.

16 Officer Wilson attempted to pull the  
17 trigger again and nothing happened. Officer Wilson  
18 pulled the trigger a third time and the gun fired  
19 through the door, driver door panel. The window  
20 being down, glass flew everywhere.

21 I'm sorry, Brown's right hand was on  
22 the gun when it fired.

23 Q Okay.

24 A I don't recall and I don't know that even  
25 Officer Wilson knows when exactly, but he noticed

1 that there was blood on his right hand and he  
2 assumed that he had gotten cut when the glass flew  
3 everywhere.

4 After the gun goes off, Brown stepped  
5 back from the car. He described somewhat in shock  
6 and Brown puts his hands together at his right hip,  
7 he demonstrated. And Officer Wilson thought maybe  
8 he was hit there, which is why he put his hand  
9 there.

10 He said Brown then became enraged  
11 where Officer Wilson describes his face looking like  
12 a demon.

13 Officer Wilson was confused that  
14 Brown wasn't then running away, knowing that  
15 situation, assumed that that would be to get Brown  
16 away from the door and to go because he had just  
17 been shot, but Brown re-engaged.

18 And also at this point in time,  
19 Officer Wilson did not know where Dorian Johnson  
20 was. The last time he saw him was when he did the  
21 Cigarillos handoff. At that's when the rest of that  
22 time, the interaction, he never saw Dorian Johnson.

23 Q Does Officer Wilson describe that, so are  
24 you saying that he says when he fired the weapon  
25 into the door, he believed or thought that the

1 bullet pierced the outer skin of the car and got  
2 Michael Brown, is that what you are talking about?

3 **A** Yes.

4 **Q** When you say that?

5 **A** Based off of his action, also he didn't  
6 know where the bullet went, but he was aiming  
7 through the door when Michael Brown is engaged in  
8 the car, he pulled both of his hands down towards  
9 his right hip and thought maybe that's where, if he  
10 was hit, just based off that action not because he  
11 saw a wound and not because he saw blood.

12 **Q** Okay. And so then, what happened you said  
13 that he then described his face as looking like a  
14 demon and he is confused as to why he wouldn't have  
15 run away at that point. What happened then, what  
16 did he say then?

17 **A** Both of the Brown's hands came back  
18 through the window. Officer Wilson just showed us  
19 his left arm up defensively trying to block Brown  
20 from punching him.

21 Wilson put his, the gun up and pulled  
22 the trigger again, the gun didn't fire. He  
23 described what blind racking the gun, it is pulling  
24 the slide back without looking. I don't know what  
25 he, I don't know if he used his hands to rack it,

1 but he thought something had happened to the gun.

2 He didn't know if the gun, he  
3 described it as stovepiping, which could be two  
4 bullets trying to go in and then neither will fire.  
5 He didn't know if he ejected a full cartridge, which  
6 would be the projectile along with the casing or  
7 just the spent casing was stuck in there, he didn't  
8 know, he didn't look.

9 Q So he said he blind racked the gun, which  
10 he described as being the slide back?

11 A Yes.

12 Q Okay.

13 A Blind racking, he wasn't looking at his  
14 gun, his attention was to Mr. Brown.

15 Q All right. You need two hands to do that,  
16 would that be fair to say?

17 A He didn't demonstrate with hands, I'm  
18 demonstrating because that's how I'm trained. He  
19 could have also gone ahead, if I wasn't here, I  
20 could use this table, he could have used the  
21 steering wheel.

22 Q So you didn't ask him --

23 A Did not.

24 Q He didn't demonstrate how he blind racked  
25 the gun?

1           **A**     Correct.

2           **Q**     But his words were blind racked?

3           **A**     Yes, ma'am.

4           **Q**     Okay. So what does he say happens after  
5 he blind racks the gun?

6           **A**     He fired the gun again, he pulled the  
7 trigger again, the gun fired and he saw, and he  
8 wasn't looking where he was shooting he said, he saw  
9 a cloud of dust in the dirt across the street and  
10 assumed Michael Brown had not been hit because  
11 that's where he assumed the projectile landed.

12          **Q**     So did he tell you when before firing this  
13 weapon now, the second shot, did he tell you was he  
14 aiming in a particular place or was Michael Brown  
15 still beside the vehicle?

16          **A**     Yes, he was. He describes him, and again,  
17 because I'm not sure what hand, he just shows him  
18 blocking Michael Brown's blows with his left hand.

19          **Q**     Okay.

20          **A**     So after he fired that shot, that's when  
21 Michael Brown again ran away. Upon which time  
22 Officer Wilson called over the radio, shots fired,  
23 send me more cars.

24                   We asked because it is important  
25 later whether or not he called over his, there is a

1 radio in the car and there's a radio that he has on  
2 his person. So when you're inside a call car you  
3 can hear and also transmit. He's not sure if he  
4 said that with his car radio or with his handheld.

5 Q He remembers making a call and those  
6 words, but doesn't know if it was the car radio or  
7 his mobile walkie-talkie?

8 A Correct.

9 Q And then what happens?

10 A So Officer Wilson got out of the car to  
11 chase Mr. Brown because, and he describes because  
12 Michael Brown was a fleeing felon. And he was just  
13 doing his job, those were his words.

14 He said Brown had just assaulted and  
15 attempted to kill him with his own duty, with  
16 Wilson's duty weapon.

17 Officer Wilson did not want Michael  
18 Brown to cause injury or death to anyone else. He  
19 knew Brown would assault another responding officer  
20 or witness as Brown had just assaulted him.

21 And Officer Wilson wanted to know, he  
22 wanted to give chase, he wanted to know where Brown  
23 was going. And in an attempt to apprehend Michael  
24 Brown once other officers got there.

25 Q So let me stop you here. So this part you



1 are testifying about he is basically explaining why  
2 he thought he was justified in pursuing the subject,  
3 correct?

4 **A** Yes, ma'am.

5 **Q** Was that in response to questions that you  
6 asked him directly or were you just letting him  
7 narrate this and this is information he just  
8 provided in a narrative form?

9 **A** That was in direct response. It is  
10 possible, and the way my notes are written, I go  
11 back and write and try to chronological order. He  
12 could of at first give us the rundown, said what he  
13 did and then we would go back and say why.

14 In my notes I tried to put it in  
15 chronological order. So he went and gave chase and  
16 I put in my notes in that same spot why, when we  
17 asked him why.

18 **Q** Okay. And that was his explanation you  
19 already testified about. And then what did he say  
20 after he explained why he pursued the subject?

21 **A** He explained that he expected Michael  
22 Brown to run for a while. So when he got out of the  
23 vehicle he did still have his gun in his hand, but  
24 it was down at his side because it is easier for him  
25 to run instead of having it pointed at Michael

1 Brown. And also because Michael was running away  
2 from him, he did not feel he was an immediate threat  
3 to keep his gun pointed on him.

4 Q Okay.

5 A As he was running after him, he told  
6 Michael get on the ground, get on the ground. And  
7 again, he said he thought Michael was going to run  
8 for a while.

9 While he was running, Officer Wilson  
10 noticed a line of three cars lined up behind him,  
11 specifically he noticed a green Pontiac. He said he  
12 did not fire any shots at Michael Brown as Michael  
13 Brown was running away.

14 At some point, a short time after  
15 Brown stopped and turned around to face Officer  
16 Wilson. Officer Wilson will describe Brown as  
17 grunting, he grunted, hopped and began toward  
18 Officer Wilson.

19 When Brown hopped, he said he put his  
20 right hand in his waistband. At the time Officer  
21 Wilson didn't know whether or not he was armed. He  
22 thought that perhaps Michael Brown was armed and  
23 that's what he was going for.

24 He couldn't tell because Brown's  
25 shirt had hung over his waistband. He said Brown's

1 left arm, left hand was clenched in a fist at his  
2 side.

3 Wilson shouted stop, get on the  
4 ground, and Wilson explained at this point during  
5 the interview that Brown was just not listening to  
6 any of his commands.

7 Wilson started shooting as Brown ran  
8 towards him. Wilson shot more than once, but was  
9 unsure how many times. And he realized he had  
10 tunnel vision, so he shot more than one time and  
11 realized that all he was looking at was that right  
12 hand.

13 Wilson, I'm sorry, he said during  
14 this string of thoughts, Michael Brown had jerked  
15 back as if he had been shot, but Officer Wilson did  
16 not know where Michael Brown was hit.

17 Q So he doesn't describe seeing, like what  
18 we see on TV, pow, pow, immediately blood spurt and  
19 you would see it on the shirt, he doesn't describe  
20 seeing anything like that?

21 A No, he didn't.

22 Q Okay. Did he say anything other than, you  
23 know, you said he has testified before he had made  
24 that motion towards his waist like perhaps he shot  
25 him through the door, did he say anything else about

1 him making, appearing to be shot anywhere else?

2           **A**     No, he didn't.

3           **Q**     Okay. You can go ahead.

4           **A**     He said after Michael Brown kind of jerked  
5 back, he said Michael stopped briefly, but then  
6 started running towards him again. He described  
7 Michael Brown's chest as being puffed up. Michael  
8 Brown's hands were still in his waistband.

9                     So Officer Wilson began to back up.  
10 Brown was about eight feet away from Wilson when,  
11 and Wilson thought to himself, if he gets me, I'm  
12 dead.

13                    Brown ran towards Wilson with his  
14 head leaning down. Officer Wilson thought he only  
15 shot one time, but it could have been more.

16                    He saw the bullet hit Michael Brown  
17 in the head and he saw Michael Brown fall to the  
18 ground face first. He said Michael Brown fell with  
19 such, because he had such momentum going forward,  
20 that when he landed on his face, his feet came up  
21 behind him.

22                    Officer Wilson made a statement all  
23 he had to do was stop and Officer Wilson would have  
24 stopped shooting.

25                    At no point did Michael Brown comply

1 with Officer Wilson's command or his order to  
2 surrender and Michael Brown never had his hands up.

3 We had Officer Wilson draw just on a  
4 white sheet of paper a simple depiction of the scene  
5 and we are going to keep that with our case file.

6 After Michael Brown went to the  
7 ground, he called over the radio on his handheld and  
8 said, "I need a supervisor and everyone you've got."

9 While Officer Wilson was running  
10 after Michael Brown, he was looking around for  
11 people because he was concerned with, he didn't know  
12 if Michael Brown had a gun, he was concerned that  
13 other people might get shot in the crossfire.

14 Q Wait a minute. So he kind of backtracked  
15 in his statement a little bit.

16 A Yes.

17 Q Now he's already got to the point where  
18 he's shot him and a fatal injury has him on the  
19 ground. So now he backtracks a little bit and says  
20 when he was chasing him?

21 A When he was chasing and I'm sorry, I'm  
22 explain that a little better. He knows there are a  
23 lot of people around once Michael Brown was on the  
24 ground. He said while he was chasing him, this is  
25 all within a matter of seconds, he didn't notice

1 anybody else. Once Michael Brown went to down to  
2 the ground, he saw a lot of people in the community,  
3 an apartment complex around.

4 He said Officer was the first  
5 one on the scene. And he had, Officer Wilson had  
6 Officer secure the scene or block the  
7 street.

8 Wilson called for an ambulance. The  
9 next two arrivals were Ferguson Police Department  
10 Officer and at the time because there was  
11 really, West Florissant to get onto Canfield is the  
12 only way to connect to a major roadway, both were  
13 west of the scene. So Officer Wilson had Officer  
14 move his vehicle to the east side so they  
15 could block that, so they could secure the scene,  
16 maintain some scene control.

17 **Q** To block vehicular traffic that might be  
18 coming westbound on Canfield?

19 **A** Yes. Officer Wilson described feeling  
20 unsafe standing next to Brown's body since he was  
21 the shooter. He thought, the area is known for  
22 violence, guns, gangs and drugs. They did not have  
23 a good relationship with the police. He kind of  
24 felt he really had a spotlight on him.

25 He walked towards his vehicle which

1 was still running. He opened the door and got the  
2 keys and shut it off. the only thing he touched was  
3 the exterior of the vehicle.

4 Q So he reached in to turn the car off?

5 A And grabbed the keys.

6 Q And take the keys out of the vehicle?

7 A Yes, ma'am.

8 Q And then he shut the door?

9 A Yes, ma'am.

10 Q He didn't get in the car?

11 A He did not.

12 Q All right.

13 A I don't know if other officers arrived,  
14 I'm sorry, the Ferguson Sergeant responded.  
15 Wilson told Sergeant that he had killed Brown.  
16 He quoted himself as saying, "he grabbed my gun and  
17 I shot him."

18 told him to go, told Wilson to  
19 go sit in Wilson's car. And Wilson said, no,  
20 because then everyone will know it was me because  
21 everyone around him is working and he's not.

22 So Officer, I'm sorry, Sergeant  
23 told him to go back to the station, to not take  
24 Wilson's vehicle. Sergeant had to let him take  
25 Sergeant vehicle.

1                   And Wilson described that he thought  
2   that it was strange that Sergeant           wouldn't have  
3   another Ferguson police officer go back with him  
4   because he was just involved in a shooting, that  
5   even minutes after the scene a lot of people showed  
6   up. I think he described it the police officers  
7   being outnumbered 300 to 1.

8                   So he drove back to the station, he  
9   noticed that his handheld radio was on channel 3  
10   instead of channel 1. Channel 1 was the Ferguson  
11   dispatch and channel 3 was St. Louis County Police  
12   Department Dispatch. He wasn't even sure, while he  
13   could hear St. Louis County, he wasn't sure if he  
14   keyed up that they would hear him whatever he said.

15                  He believes that the radio switch  
16   during the struggle in the car, but he's not  
17   positive, actually, because he's not usually on  
18   channel 3, excuse me, not channel 3.

19                  When Wilson got back to the station  
20   he washed the blood off of his hands. His primary  
21   concern was not of evidence, but as a biohazard or  
22   what possible blood hazards it might attract.

23                  So no one at the station photographed  
24   Officer Wilson's hands because there was no one  
25   there to photograph them.



1 Right after he washed his hands he  
2 went to the roll call room, he made his gun safe,  
3 which means he took out any bullet and packaged it  
4 as evidence, that's how he described it to us.

5 He did not wait for somebody else to  
6 bag that as evidence because he saw blood on the  
7 gun, thought it was Brown's blood, wanted to  
8 preserve the DNA. He didn't want to risk because he  
9 believed that would prove that he had his hand on  
10 the gun.

11 There was a Ferguson Police Officer  
12  
13 at the station when he arrived.

14 He told ,  
15 he said to , I just shot someone. Officer  
16 did not ask him any more questions.

17 He said Officer may have  
18 seen him package his gun, but he wasn't positive.

19 He called, Wilson called his attorney  
20 when he got to the station. Officer  
21 Wilson knew that was the attorney to call  
22 if he was ever involved in a shooting.

23 They had EMS, which there is a block  
24 house right next door to the Ferguson Police  
25 Department. They had EMS come over and perform an

1 assessment.

2 Ferguson Police Lieutenant

3 came to check on Wilson. Lieutenant did not

4 ask any questions about what happened and also

5 Ferguson Police Officer came into the roll call

6 room to give Wilson card that he had, but

7 he already made the phone call.

8 Wilson knew not to talk to anyone

9 until he spoke with an attorney and he did not

10 comment on what happened.

11 After the Attorney arrived,

12 St. Louis County Police Department Detective

13 and Lieutenant Colonel also came to

14 speak with Wilson.

15 Between and

16 Wilson, they noticed Wilson's face was red and

17 swollen, so they collectively decided they were

18 going to take him to the hospital. They took him to

19 Christian Northwest emergency room. Shortly before

20 they took him there, Wilson described Detective

21 started the interview at the station and

22 continued it after they got to the emergency room.

23 Officer Wilson described being

24 assaulted in the past as a police officer and said

25 it was not to the extent it had been with Brown. No

1 one had ever before attempted to take his firearm.

2 Officer Wilson had been trained to  
3 use physical force when a physical threat was  
4 present.

5 Michael Brown became an immediate  
6 threat to Wilson's safety when Michael Brown came  
7 into the car, when Michael Brown hit Officer Wilson.

8 Michael Brown went for Officer  
9 Wilson's firearm and Michael Brown charged towards  
10 Officer Wilson after Brown had already run away.

11 Michael Brown was a threat to the  
12 safety of others as he ran away from Officer Wilson.

13 **Q** Now, what you're saying right now, this is  
14 what Officer Wilson is telling you, correct?

15 **A** Yes, ma'am, correct.

16 **Q** This isn't your statement?

17 **A** No, it is not my statement. Correct, I  
18 apologize for not clarifying that. Everything I was  
19 saying was what was relayed to me by Mr. Wilson. In  
20 no way, shape or form am I offering any opinion  
21 whatsoever.

22 **Q** Okay. Is that pretty much the conclusion  
23 of the statement?

24 **A** Yes. The last thing was it is the  
25 sergeant's responsibility to write a use of force

1 report. It is Wilson's responsibility to write an  
2 incident report, but as of August 28th, 2014,  
3 Officer Wilson had not been back to the station, so  
4 he has not had the opportunity to write an incident  
5 report.

6 Q So he's basically told you that after the  
7 shooting and contacting, having contact with  
8 Sergeant he goes directly to the Ferguson  
9 Police Department, can't talk to anybody about this  
10 until possibly his attorney arrives and then  
11 ?

12 A Yes, ma'am.

13 Q And he also tells you that no one had  
14 possession of his gun from the time he left the  
15 scene until he made it safe and packaged it in that  
16 envelope?

17 A Yes, ma'am.

18 Q He also told you, did he also tell you, I  
19 should use notes, did he tell you that he had  
20 sustained any other injuries to the backs of his  
21 hands or on his hands?

22 A He made a statement that he had no cuts.

23 Q Okay.

24 A So I don't know at what point he realized  
25 that, but he believed the blood on his hands was

1 Michael Brown's.

2 Q Okay. Well, this is the 28th, this is too  
3 far after the incident.

4 MS. ALIZADEH: Sheila, do you have any  
5 additional?

6 MS. WHIRLEY: I do.

7 Q (By Ms. Whirley) So he, on August the 9th  
8 this occurred and you didn't interview him until  
9 August 28th?

10 A Correct.

11 Q However, he told you that he saw the  
12 Cigarillos in Michael Brown's hand at some point?

13 A Yes, ma'am.

14 Q At what point was that?

15 A That was, initially when he made contact  
16 with both Dorian Johnson and Michael Brown, his  
17 attention was drawn to Dorian Johnson because Dorian  
18 was first and also responded to his, hey, can you  
19 guys use the sidewalk, or whatever verbiage he had  
20 used.

21 When he said what's wrong with the  
22 sidewalk, his attention was then turned towards  
23 Michael Brown because Michael Brown responded to  
24 him, "fuck what you have to say," or excuse me, I'm  
25 sorry, yes, that's what he said. Once Michael Brown

1 said that, his attention was drawn, Officer Wilson's  
2 attention was drawn to Michael Brown, at which time  
3 he then saw the Cigarillos that Michael Brown was  
4 holding.

5 Q All right. So he saw the Cigarillos  
6 before any physical altercation, right?

7 A Yes, ma'am.

8 Q Did he say that when Michael Brown was  
9 handing something over to Dorian Johnson, that he  
10 knew he was handing him Cigarillos?

11 A I believe so, but I'm just going to check  
12 my notes.

13 Q Okay.

14 A Yes, he specifically stated.

15 Q He specifically stated he knew he was  
16 handing him Cigarillos?

17 A Yes, ma'am.

18 Q Okay. He said he intended to wait on an  
19 assist car before approaching these two males?

20 A Before attempting to arrest.

21 Q Did he say why, I guess that changed,  
22 because what happened to change that, did he say?

23 A Well, he was going to get out and try to  
24 stall, try to have a conversation with them in a  
25 sense, well, at least he was not going to ask them

1 about the robbery. I don't necessarily, forgive me,  
2 I don't think he said arrest, he just said before he  
3 even mentioned anything about the stealing in  
4 progress, he was going to wait for other officers to  
5 get there.

6 Q Okay. So did he, so he said he knew about  
7 the stealing in progress because of the Cigarillos.  
8 He was not going to mention the stealing in  
9 progress, he was just going to stall them?

10 A Right.

11 Q Did he talk to you about what he went out  
12 on his radio to say that he was doing a check with  
13 two people, to send him a car?

14 A Yes.

15 Q Did he say that he told the dispatcher  
16 hey, I've got two guys involved in this stealing at  
17 this Ferguson Market and I see one with Cigarillos?

18 A Right, no, he did not say that. He  
19 specially mentioned the fact he doesn't often asked  
20 for assistance on calls, so when people hear him  
21 over the radio saying, send me more cars, they know  
22 he needs another car.

23 Why he didn't mention the stealing  
24 would be my conjecture.

25 Q But let me say he didn't?

1           **A**     Correct, he did not.

2           **Q**     But the dispatcher knows if he calls for  
3 assistance, they need to send assistance right away?

4           **A**     Yes, ma'am.

5           **Q**     And he did call for assistance?

6           **A**     Yes, ma'am.

7           **Q**     He didn't tell anybody the nature of the  
8 call?

9           **A**     Correct.

10          **Q**     Okay. Now, you mention that he said when  
11 Michael Brown was running away, was not an immediate  
12 threat?

13          **A**     To him.

14          **Q**     To him. Did he say why he thought Michael  
15 Brown would continue to run? I think that's what  
16 you said that he knew he would continue to run?

17          **A**     That was based on his training and  
18 experience that he believed Michael Brown starting  
19 to run away, and based off his training and  
20 experience he believed Michael Brown was going to  
21 continue running versus stop and turn around.

22          **Q**     And did that factor into his thought  
23 pattern, did he say? Did you understand what that  
24 meant?

25          **A**     In that limited perspective, yes. But



1 again, I also am trained in law enforcement, so I  
2 understand. So to go further to explain why he may  
3 have thought that would be putting my personal  
4 understanding, not using, putting words into his  
5 mouth.

6 Q Okay. And you certainly cannot speak for  
7 that officer and we don't want you to.

8 A Correct, yes.

9 Q But tell me what you mean by your personal  
10 experience as a law enforcement officer?

11 A Someone running who runs away, who as he  
12 described it, attempted to assault him. And then  
13 was not going to and had not yet complied, would  
14 likely not, but you would still be prepared at this  
15 point for whatever happens.

16 Q So when Michael Brown said something like,  
17 "fuck what you say," or something, did he say that  
18 that was a comment that required him to confront him  
19 about it?

20 A No, he did not.

21 Q Okay. So when he backed up, did he say he  
22 backed up?

23 A He reversed the vehicle.

24 Q That was strictly about confronting about  
25 the Cigarillos?

1           **A**     Yes, ma'am.

2           **Q**     Did he say he ever said anything to them  
3     about the Cigarillos?

4           **A**     He did not.

5           **Q**     Okay. Now, again, I wasn't clear, what  
6     hand did he say Michael Brown put towards his  
7     waistband?

8           **A**     At what point, when he was at the vehicle  
9     or when he had run away?

10          **Q**     Okay. At what point did he say Michael  
11     Brown put his hands towards his waistband? I'm  
12     talking about Michael Brown's own waistband.

13          **A**     Yes, ma'am, I am sorry, let me clarify why  
14     I have a question.

15          **Q**     Okay.

16          **A**     Because he was, when they were at the  
17     vehicle and Officer Wilson fired the first shot, he  
18     describe Michael Brown, more of his hip, but I  
19     apologize because I picture his waistband, he put  
20     both of his hands towards his --

21          **Q**     You talking about Michael Brown's  
22     waistband?

23          **A**     Yes, no, no, no, he said Michael Brown,  
24     after he was hit put, Michael Brown's hand towards  
25     Michael Brown's right hip. When they were

1 struggling for the gun, he twisted towards Officer  
2 Wilson's left hip.

3 Q Okay.

4 A But I'm sorry, Michael Brown ran away,  
5 stops, turns around, grunts, hops and stick his  
6 right hand in his waistband.

7 Q Okay.

8 A That's as Officer Wilson described it.

9 Q Okay. So once Michael Brown goes down  
10 after he's shot and he's prone on the ground,  
11 correct?

12 A Yes, ma'am.

13 Q What did Officer Wilson say he did?

14 A What Officer Wilson did?

15 Q Uh-huh.

16 A He said at that point in time they were  
17 approximately 8 feet apart. He said he never, he  
18 didn't approach.

19 Q He didn't check for a pulse?

20 A He did not.

21 Q Or call an ambulance?

22 A No, he did not. He radioed, "send me a  
23 supervisor and every car you got."

24 Q When he said he asked for a supervisor, he  
25 said someone was lying either injured or dead on the

1 ground?

2           **A**     He did not.

3           **Q**     Now, you've had occasion to collect his  
4 employee or personnel records; is that right?

5           **A**     Yes, ma'am.

6           **Q**     Have you had a chance to review them?

7           **A**     Yes.

8           **Q**     Is there anything of evidentiary value  
9 when I ask that question about evidentiary value, I  
10 mean anything that's significantly bad or good about  
11 his records, or that might factor into this case?

12          **A**     I did. I did read that Officer Wilson  
13 received a letter of accommodation for handling a  
14 call when he was an officer with Jennings Police  
15 Department.

16          **Q**     Anything else?

17          **A**     There was, there were, he did have use of  
18 force reports, but that's standard practice. I  
19 didn't see anything out of the ordinary. There was  
20 a complaint made against him and two other officers  
21 describing that was ultimately found to be  
22 unfounded, to describe Officer Wilson and two others  
23 attacks, an African-American male who was just  
24 walking down the street in the city and used racial  
25 slurs towards him, beat him up so badly that he had

1     bleeding on his brain.

2                     What was found to have actually  
3     happened was this gentleman was breaking in and was  
4     inside Officer Wilson's car. The three officers who  
5     were off duty at the time went outside and tried to  
6     detain him, he ran away.

7                     When they chased him, I don't know  
8     which one of them tackled him on the ground, he hit  
9     his face on the way down.

10                    This was an internal affairs  
11     investigation, the investigation was completed and  
12     they discussed with the hospital that the  
13     individual, the person who was either the victim of  
14     use of force or stealing a car, his injuries were  
15     consistent with what the officers described and that  
16     there was no bleeding of the brain.

17                    The woman who made the complaint was  
18     not an eyewitness, but the aunt of the individual.

19            **Q**     The subject that was injured?

20            **A**     Yes, ma'am.

21            **Q**     Or that committed the crime?

22                    MS. WHIRLEY: Anyone else, questions?

23                                 : Just one comment, sorry,

24                    The one comment you said that really

25     caught my attention, I'd like kind of go with more

1 if we could, you mentioned that Darren in reference  
2 to this neighborhood said it is an area known for  
3 gangs, violence, guns and he didn't feel safe. And  
4 I think that really, I don't know, is alarming to  
5 hear. So how would you kind of say that fit into  
6 the case or was there more depth to it when he said  
7 that.

8           **A** It had to do with, I guess the atmosphere.  
9 He described that when almost immediately after,  
10 he's not sure when it happened, but once Michael  
11 Brown was down on the ground, the residents were  
12 outside. He said, and the crowd kept growing  
13 increasingly hostile because he knows from being a  
14 police officer in that area, people generally don't  
15 like to see the police.

16                       So based on the fact of what just  
17 happened, he did not feel safe. Whether it means  
18 by, it would be my conjecture and I can't do that.  
19   . Is there  
20 any part of Officer Wilson's testimony or statement  
21 that you believe is in conflict with any of the  
22 physical evidence you are aware of?

23           **A** I don't, I cannot make that judgment. My  
24 sole purpose is simply to collect the facts. It is  
25 up to the prosecuting attorneys and any future jury

1 to kind of make that determination.

2 MS. ALIZADEH: Can I ask you a question,  
3 though, prior to you questioning Darren Wilson, to  
4 your knowledge had he read any police reports  
5 documenting the investigation?

6 **A** Not to my knowledge, no.

7 MS. ALIZADEH: Have any reports, first of  
8 all if he has, I haven't gotten any reports, so I  
9 don't know where anybody else would have them. To  
10 your knowledge, he had no knowledge of the  
11 investigation?

12 **A** Correct.

13 MS. ALIZADEH: And then regarding autopsy  
14 reports, to your knowledge, Dr. who was  
15 the medical examiner in this case, he had not read  
16 that report; is that correct?

17 **A** No, he had not. If Officer Wilson knew  
18 anything about the case, it is the same thing anyone  
19 who heard in the news what was ever released to the  
20 news is what he would know. Ferguson Police  
21 Department is not doing an investigation, that was  
22 turned immediately over, the homicide investigation  
23 was turned immediately over to St. Louis County.

24 As far as civil rights is concerned,  
25 FBI is notoriously tight lipped. So, no, we would

1 not give him any information.

2 MS. ALIZADEH: We can ask him when he  
3 testifies what he may have learned or whatever or  
4 what have. Are you aware that there is all kind of  
5 rumors and talk about various things involving what  
6 people believe happened in this case, correct?

7 A Yes.

8 Q And to your knowledge though, as far as  
9 the physical evidence like where the shell casings  
10 were or where blood was found or any of that type of  
11 evidence, he wouldn't have privy to?

12 A No, he would not be privy to, other than  
13 being actually on the scene, but no, no reports.

14 : . When  
15 you first, when he said he got to the police  
16 station, he washed his hands and he didn't have  
17 anybody take pictures because there was nobody else  
18 there. But then later he said that he saw

19 a police officer, so was  
20 there. Was the only officer that was there?

21 A At that time, I think the way I  
22 interpreted his statement to us is he gets to the  
23 station, no one is there that he sees immediately.  
24 I don't believe he went searching, he didn't say he  
25 went searching, but he has blood on his hands. His



1 first thought is let me get this off.

2 So when he goes to the roll call  
3 room, then he says Officer

4  
5 And then they have whatever brief  
6 conversation that he was involved in a shooting,  
7 that's it.

8 : Your interview with him  
9 was on 8/28?

10 **A** It was.

11 : The incident took place  
12 on 8/9?

13 **A** It did.

14 : Was there a reason why  
15 you took that long of a time between, I think that  
16 you were in an interview with a witness the day  
17 after or three days after it took place?

18 **A** Yes, ma'am.

19 : If it is about him.

20 **A** Correct.

21 I was just wondering why  
22 the interviews were so --

23 **A** I know that.

24 : I'm just curious.

25 **A** No, the reason why because he had been

1 interviewed, because we had an audiotaped statement  
2 and what was more important, we had witnesses out  
3 there who had not been interviewed. We felt it was  
4 most important to get those witnesses.

5 MS. WHIRLEY:

6 : Yes, . I want to  
7 go back to when Michael Brown says, "fuck what you  
8 have to say."

9 **A** Yes.

10 : Officer Wilson puts his  
11 car in reverse?

12 **A** Yes, sir.

13 : Did he mention he said,  
14 what did you say?

15 **A** He didn't specifically, that's not in my  
16 notes. Are you asking if Officer Wilson asked what  
17 did you say?

18 : Yes.

19 **A** No, I can't remember if I remember from  
20 the interview or from hearing his statement. I  
21 didn't specifically write it down and normally if I  
22 don't specifically remember from that interview or  
23 write it down, it doesn't mean it wasn't said, I  
24 don't recall.

25 : Okay. You also mention, I

1 guess, the part where he was charging him, he had  
2 his hands, can I stand up?

3 **A** Yes, sir.

4 : He had his hands on the  
5 right side?

6 **A** Yes, he said right.

7 : And he started charging  
8 him.

9 **A** Yes, sir.

10 : With his head down, is  
11 that correct?

12 **A** When he said head down, I don't know, let  
13 me refer to my notes to make expire I have it right.

14 : I'm just saying because I  
15 guess he's listed like at 6'4", 6'5".

16 **A** Yes, sir.

17 : Seems that would be kind  
18 of awkward for somebody to be charging you that way?

19 **A** It was, I can give me you my impression  
20 that I don't think it was quite at that right angle  
21 that you demonstrated from, just to describe for the  
22 court reporter. He said head down. At what angle,  
23 I'm not sure.

24 MS. WHIRLEY: Can you demonstrate the  
25 angle, did he demonstrate the angle for you?



1 was just to answer generally.

2 MS. WHIRLEY: .

3 : I'm just hoping that I  
4 have written this down correctly. But I believe you  
5 had mentioned that Officer Wilson, Darren Wilson  
6 said he went to his vehicle, which was still  
7 running, reached in and shut off the car. That's  
8 the first I heard of that.

9 **A** He pulled the keys out of the car.

10 : It was still running?

11 **A** Yes, that's the impression that I got that  
12 the car is in park, I'm assuming because the car  
13 would have been rolling away if he didn't at least  
14 put it in park.

15 : Okay.

16 **A** He didn't specifically say that, he got  
17 the keys out of the car.

18 : Okay.

19 **A** I thought it was still running.

20 : Okay.

21 **A** I thought that was what he had said.

22 : That was your  
23 interpretation?

24 **A** No, I thought he said that.

25 Were those his words?

1           **A**     I believe those were his words.

2                               You believe those were his  
3 words. And then he goes on to state, if I'm  
4 understanding this correctly, that Sergeant           is  
5 that correct,                               ?

6           **A**     Yes.

7                               : Okay. Told him to get  
8 back in his vehicle, is that my understanding?

9           **A**     Yes.

10                            In the vehicle in question  
11 that was involved in this incident?

12           **A**     That is what Sergeant           told him, that  
13 is not what Officer Wilson did.

14                            : Okay.

15           **A**     That's what Officer Wilson said Sergeant  
16 told him.

17                            : Okay. And he didn't do it  
18 and then           told him to take           personal  
19 patrol car and drive back to Ferguson. Is this in  
20 with another officer in the vehicle with him or  
21 another?

22           **A**     By himself.

23                            : By himself. I thought  
24 there was another officer involved or something.

25                            My understanding, like I said, when he got

1 to the Ferguson Police Department, he had blood on  
2 his hands reported. He wasn't photographed, nobody  
3 knows how much blood he had on his hands, anything  
4 left in vehicle?

5 **A** That's a good question. I don't know. I  
6 don't know that Sergeant vehicle was looked  
7 at.

8 : Okay.

9 MS. WHIRLEY: Anything else? Kathi?

10 MS. ALIZADEH: I've got nothing else.  
11 Again, you were active in other aspects of this  
12 investigation and should we need to recall you on a  
13 future date, would you be available to testify?

14 **A** I would.

15 MS. ALIZADEH: All right. Nothing  
16 further.

17 (This is the end of  
18 testimony.)

19 (Recess)

20 MS. ALIZADEH: This is Kathi Alizadeh. It  
21 is about 3:20 on the 16th of September. We are  
22 about to call our final witness, Darren Wilson. And  
23 as usual, Sheila and I will be asking him questions  
24 and you are free to ask questions either  
25 interrupting or wait until the end, however you feel

1 is better for the flow of things.

2 He is here and prepared to answer  
3 questions. I would tell you that any conversations  
4 that he has had with his attorney, because you heard  
5 him talk and we have heard testimony that he has had  
6 an attorney during parts of this, anything that he  
7 and his attorney have talked about are what we call  
8 privileged communications. And so you can't ask him  
9 about what did you tell your attorney or what did  
10 your attorney say about that, all right.

11 Any other questions that you think are  
12 relevant are fair game, but the communications  
13 between anyone and their attorney are privileged and  
14 we can't inquire about that, all right? All right.  
15 That being said, I am going to let him walk in and  
16 get sworn.

17 DARREN WILSON,  
18 of lawful age, having been first duly sworn to  
19 testify the truth, the whole truth, and  
20 nothing but the truth in the case aforesaid,  
21 deposes and says in reply to oral  
22 interrogatories, propounded as follows, to-wit:

23 EXAMINATION

24 BY MS. WHIRLEY:

25 Q So introduce yourself to the grand jurors,



1 tell us your name and spell your name for the court  
2 reporter, please?

3 **A** My name is Darren Wilson. D-A-R-R-E-N,  
4 last name W-I-L-S-O-N.

5 **Q** Have you appeared before this grand jury  
6 before?

7 **A** No, I have not.

8 **Q** So you've never, nobody is familiar to you  
9 here, correct?

10 **A** No, ma'am.

11 **Q** All right. You are currently on leave or  
12 what's your status right now?

13 **A** I am on paid administrative leave.

14 **Q** Now, we have never met before, have we?

15 **A** No, ma'am.

16 **Q** And we did meet right before you came here  
17 today, when you came here today and I talked to you  
18 and your attorneys?

19 **A** Correct.

20 **Q** And you came here voluntarily?

21 **A** Correct.

22 **Q** And you were told that if you wanted to  
23 consult with your attorneys you could?

24 **A** Correct.

25 **Q** Okay. And you want to be here and tell

1 the jurors what happened; is that correct?

2 **A** That's correct.

3 **Q** So August the 9th of 2014, you worked as a  
4 police officer for the Ferguson Police Department?

5 **A** Correct.

6 **Q** That means you are a certified police  
7 officer?

8 **A** Correct.

9 **Q** Had you completed all your training and  
10 kept up with your continuing education as a  
11 certified officer does?

12 **A** Yes, ma'am.

13 **Q** You have the power of arrest?

14 **A** Correct.

15 **Q** In the State of Missouri?

16 **A** Yes, ma'am.

17 **Q** What's your height?

18 **A** 6'4", just a shy under 6'4".

19 **Q** A little under 6'4"?

20 **A** Yes, ma'am.

21 **Q** And how much do you currently weigh?

22 **A** 210-ish.

23 **Q** That's been your weight for a while?

24 **A** Yeah, it fluctuates between 205, 212, 213,  
25 something like that.

1           **Q**     Of course everybody knows why we're here,  
2     so let's just get to it.

3           **A**     Okay.

4           **Q**     Let's talk about your day on August the  
5     9th. What shift did you work?

6           **A**     Day shift.

7           **Q**     And what shift would that be, what hours?

8           **A**     6:30 a.m. to 6:30 p.m.

9           **Q**     Twelve hour shift?

10          **A**     Correct.

11          **Q**     Had you worked the day before?

12          **A**     Yes, I had.

13          **Q**     Same shift?

14          **A**     Yes.

15          **Q**     You weren't working like midnights the  
16     night before?

17          **A**     No, ma'am.

18          **Q**     When you started your shift, did anything  
19     happen that you consider very eventful? I mean,  
20     earlier that day, prior to 10:00 let's say, 10:00  
21     a.m.

22          **A**     No, ma'am.

23          **Q**     Had you answered any calls prior to 10:00  
24     a.m.?

25          **A**     I don't recall, I don't believe so, but I

1 don't recall, nothing stands out in my memory.

2 Q It was a pretty quiet day initially?

3 A Yes, ma'am.

4 Q Now, at some point you had a sick call, a  
5 sick baby, I think?

6 A Yes, ma'am.

7 Q And that would have been 11-ish or so?

8 A I think it was around 11:30-ish, somewhere  
9 in that vicinity.

10 Q That was near the Canfield Green  
11 Apartments?

12 A Yes, ma'am, it was actually past them in  
13 the adjoining apartment complex.

14 Q And what do they call those apartments?

15 A I believe that apartment is called  
16 Northwinds.

17 Q Northwinds. Okay. And it is like east of  
18 the Canfield Green, behind those apartments?

19 A Correct.

20 Q When you went on that call, did you have  
21 assistance?

22 A No, I did not.

23 Q All right.

24 A Not police assistance.

25 Q No police assistance?

1           **A**     No.

2           **Q**     You handled that call by yourself?

3           **A**     Yes, ma'am.

4           **Q**     And did you have any confrontation with  
5     anybody or was everything, was it a pretty as a  
6     matter of fact call?

7           **A**     It was a pretty laid-back call. It was  
8     for a sick infant, I believe, only a couple months  
9     old.

10          **Q**     Okay.

11          **A**     I believe she had a fever, I'm not  
12     100 percent sure.

13          **Q**     Let me ask this question, can everybody  
14     hear him? Speak up. I usually stand in the back of  
15     the room so we can have a conversation. As you can  
16     tell, my voice really carries, so try to, you know,  
17     speak up so everybody can hear you.

18          **A**     Okay.

19          **Q**     So the baby was an infant?

20          **A**     Correct.

21          **Q**     Was the baby not breathing, what was the  
22     call, do you recall?

23          **A**     I believe it was for a fever.

24          **Q**     Fever you said, I'm sorry.

25                   Ambulance arrived?

1           **A**     Yes, ambulance arrived at the same time I  
2 arrived.

3           **Q**     Okay. Baby went to the hospital with its  
4 mother?

5           **A**     The mother and baby were transported.

6           **Q**     After that, what did you do?

7           **A**     I returned to my vehicle and then started  
8 to leave the apartment complex.

9           **Q**     Okay. Did you get any other calls between  
10 the time of the sick baby call and your interaction  
11 with Michael Brown and Dorian Johnson?

12          **A**     While on the sick case call, a call came  
13 out for a stealing in progress from the local market  
14 on West Florissant, that the suspects traveling  
15 towards QT. I didn't hear the entire call, I was on  
16 my portable radio, which isn't exactly the best. I  
17 did hear that a suspect was wearing a black shirt  
18 and that a box of Cigarillos was stolen.

19          **Q**     Okay. And was this your call or you just  
20 heard the call?

21          **A**     It was not my call, I heard the call.

22          **Q**     Some other officers were dispatched to  
23 that call?

24          **A**     I believe two others were.

25          **Q**     Was it a call that you were going to go to

1     also?

2           **A**     No.

3           **Q**     So you weren't really geared to handle  
4     that call?

5           **A**     No.

6           **Q**     Tell us how you were dressed that day on  
7     August the 9th?

8           **A**     How I was dressed?

9           **Q**     Yes.

10          **A**     I was wearing my full department uniform,  
11     light duty boots, dark navy blue pants, my issue  
12     duty belt, with my uniform shirt and that was it.

13          **Q**     All right. And so when you say, when you  
14     are in uniform, you were not a detective?

15          **A**     No, ma'am.

16          **Q**     You weren't dressed the way you are  
17     dressed here today?

18          **A**     No, ma'am.

19          **Q**     So your uniform is like a uniform police  
20     officer and when you are walking around I can  
21     clearly see oh, that's a police officer?

22          **A**     Yes, ma'am, I believe it is french blue  
23     uniform shirt, had patches for Ferguson on both  
24     sides, badge, name tag.

25          **Q**     Okay. And you were in what type of

1 vehicle?

2           **A**     I was in a Chevy Tahoe police vehicle  
3 fully marked with a light bar.

4           **Q**     Fully marked, okay. Tell us, you were  
5 mentioning your radio or what is this you spoke  
6 about?

7           **A**     Walkie is what we normally call it.

8           **Q**     I'm sorry?

9           **A**     Our walkie is what we normally call it.

10          **Q**     Like a walkie-talkie or something?

11          **A**     Yes, ma'am.

12          **Q**     And it did work that day?

13          **A**     Yes.

14          **Q**     Okay. And it was on which shoulder?

15          **A**     I wear it on my left shoulder.

16          **Q**     Are you left or right-handed?

17          **A**     I'm right-handed.

18          **Q**     Okay. Tell us what else is on your duty  
19 belt?

20          **A**     I have my, I'll go in order. Magazine  
21 pouches sit right here, my weapon is on my right  
22 hip, I have an asp that sits kind of behind me and  
23 kind of to the right and then a set of handcuffs,  
24 another set of handcuffs, my OC spray or mace is on  
25 this side and then my radio and that's it.



1           **Q**     Okay. So your mace is on your left side  
2     and your gun is on your right side?

3           **A**     Correct.

4           **Q**     What type of weapon did you carry?

5           **A**     I carry Sig Sauer, a P229 .40 caliber.

6           **Q**     How many cartridges or bullets would it  
7     hold?

8           **A**     It has 12 in the magazine and one goes in  
9     the chamber, so a total of 13.

10          **Q**     You had a couple spare magazines on your  
11     belt?

12          **A**     Correct.

13          **Q**     That had 12 each?

14          **A**     Correct.

15          **Q**     Did you carry a taser?

16          **A**     No.

17          **Q**     Why not?

18          **A**     I normally don't carry a taser. We only  
19     have a select amount. Usually there is one  
20     available, but I usually elect not to carry one. It  
21     is not the most comfortable thing. They are very  
22     large, I don't have a lot of room in the front for  
23     it to be positioned.

24          **Q**     Had you been trained on how to use a  
25     taser?

1           **A**     Yes, ma'am.

2           **Q**     Have you ever used a taser before?

3           **A**     I believe I have, but it wasn't one that I  
4     carried. It was one that I used from someone else  
5     on a scene. I can't remember the time or where I  
6     used it.

7           **Q**     You prefer not to have a taser?

8           **A**     Correct.

9           **Q**     So that day you had mace, you said, on  
10    your left side?

11          **A**     Correct.

12          **Q**     All right. You are coming west, is it on  
13    Canfield Drive?

14          **A**     Yes, I started out on Glenark and then I  
15    turn onto Bahama and then onto Glen Owen, and then I  
16    turned on Windward, which actually turns into  
17    Canfield Green and that's where I was going west on  
18    that.

19          **Q**     West on Canfield Drive?

20          **A**     Yes, ma'am.

21          **Q**     Okay. We are going to get a map here  
22    shortly so you can kind of map it out for us.

23                    So as you are going west on Canfield  
24    Drive, what happens?

25          **A**     As I was going west on Canfield, I

1 observed two men in the middle of the street, they  
2 are walking along the double yellow line single file  
3 order.

4           **Q**     Okay. And you say something to them, did  
5 they say something to you first?

6           **A**     No, you want me to just go with the whole  
7 thing?

8           **Q**     Sure, go ahead, let's start there.

9           **A**     I see them walking down the middle of the  
10 street. And first thing that struck me was they're  
11 walking in the middle of the street. I had already  
12 seen a couple cars trying to pass, but they couldn't  
13 have traffic normal because they were in the middle,  
14 so one had to stop to let the car go around and then  
15 another car would come. And the next thing I  
16 noticed was the size of the individuals because  
17 either the first one was really small or the second  
18 one was really big.

19                     And just for the conversation, I  
20 didn't know this then, but the first one's name was  
21 Dorian Johnson, the second one was Michael Brown.  
22 That was discovered, I think, the following day is  
23 when I learned the names. I had never seen them  
24 before.

25                     And then the next thing I notice was

1 that Brown had bright yellow socks on that had green  
2 marijuana leaves as a pattern on them. They were  
3 the taller socks that go halfway up your shin.

4 As I approached them, I stopped a  
5 couple feet in front of Johnson as they are walking  
6 towards me, I am going towards them. And I allowed  
7 him to keep walking towards my window, which was  
8 down. As Johnson came around my driver's side  
9 mirror I said, "why don't you guys walk on the  
10 sidewalk." He kept walking, as he is walking he  
11 said, "we are almost to our destination."

12 Q Do you think he used those words  
13 destination, we are almost to our destination?

14 A Yes, ma'am. He said we are almost to our  
15 destination and he pointed this direction over my  
16 vehicle. So like in a northeasternly (sic)  
17 direction. And as he did that, he kept walking and  
18 Brown was starting to come around the mirror and as  
19 he came around the mirror I said, "well, what's  
20 wrong with the sidewalk." Brown then replied, um,  
21 it has vulgar language.

22 Q You can say it, say it.

23 A Brown then replied, "fuck what you have to  
24 say." And when he said that, it drew my attention  
25 totally to Brown. It was a very unusual and not

1 expected response from a simple request.

2 When I start looking at Brown, first  
3 thing I notice is in his right hand, his hand is  
4 full of Cigarillos. And that's when it clicked for  
5 me because I now saw the Cigarillos, I looked in my  
6 mirror, I did a doublecheck that Johnson was wearing  
7 a black shirt, these are the two from the stealing.

8 And they kept walking, as I said,  
9 they never once stopped, never got on the sidewalk,  
10 they stayed in the middle of the road.

11 So I got on my radio and Frank 21 is  
12 my call sign that day, I said Frank 21 I'm on  
13 Canfield with two, send me another car.

14 I then placed my car in reverse and  
15 backed up and I backed up just past them and then  
16 angled my vehicle, the back of my vehicle to kind of  
17 cut them off kind to keep them somewhat contained.

18 As I did that, I go to open the door  
19 and I say, hey, come here for a minute to Brown. As  
20 I'm opening the door he turns, faces me, looks at me  
21 and says, "what the fuck are you going to do about  
22 it", and shuts my door, slammed it shut. I haven't  
23 even got it open enough to get my leg out, it was  
24 only a few inches.

25 I then looked at him and told him to

1 get back and he was just staring at me, almost like  
2 to intimidate me or to overpower me. The intense  
3 face he had was just not what I expected from any of  
4 this.

5 I then opened my door again and used  
6 my door to push him backwards, and while I'm doing  
7 that I tell him to, "get the fuck back", and then I  
8 use my door to push him.

9 Q You tell him to, "get the fuck back"?

10 A Yes.

11 Q Okay.

12 A He then grabs my door again and shuts my  
13 door. At that time is when I saw him coming into my  
14 vehicle. His head was higher than the top of my  
15 car. And I see him ducking and as he is ducking,  
16 his hands are up and he is coming in my vehicle.

17 I had shielded myself in this type of  
18 manner and kind of looked away, so I don't remember  
19 seeing him come at me, but I was hit right here in  
20 the side of the face with a fist. I don't think it  
21 was a full-on swing, I think it was a full-on swing,  
22 but not a full shot. I think my arm deflected some  
23 of it, but there was still a significant amount of  
24 contact that was made to my face.

25 Q Now, he was hitting you with what hand?

1           **A**     I believe it was his right, just judging  
2     by how we were situated.

3           **Q**     Right.

4           **A**     But like I said, I had turned away, had my  
5     eyes, I was shielding myself.

6           **Q**     Where did you see the Cigarillos at?

7           **A**     They were in his right hand.

8           **Q**     Okay. Were there any broken Cigarillos or  
9     anything in your car later?

10          **A**     No, I don't remember seeing anything on  
11     the ground or anything.

12          **Q**     Okay.

13          **A**     After he hit me then, it stopped for a  
14     second. He kind of like, I remember getting hit and  
15     he kind of like grabbed and pulled, and then it  
16     stopped. When I looked up, if this is my car door,  
17     I'm sitting here facing that way, he's here. He  
18     turns like this and now the Cigarillos I see in his  
19     left hand. He's going like this and he says, "hey  
20     man, hold these."

21          **Q**     So you start out with Cigarillos in his  
22     right hand?

23          **A**     Correct.

24          **Q**     At this point they are in his left hand?

25          **A**     Correct.

1           **Q**     He didn't have like two hands of  
2     Cigarillos?

3           **A**     No, I only saw them in one hand.

4           **Q**     You only saw them in one, okay, go ahead.

5           **A**     And he reaches back and he says, "hey man,  
6     hold these." I'm assuming to Johnson, but I  
7     couldn't see Johnson from my line of sight.

8           **Q**     But you could tell he was giving Johnson  
9     Cigarillos?

10          **A**     Yes, I saw them in his hand go around.

11          **Q**     All right.

12          **A**     And he said, "hey man, hold these." And  
13     at that point I tried to hold his right arm because  
14     it was like this at my car. This is my car window.  
15     I tried to hold his right arm and use my left hand  
16     to get out to have some type of control and not be  
17     trapped in my car any more. And when I grabbed him,  
18     the only way I can describe it is I felt like a  
19     five-year-old holding onto Hulk Hogan.

20          **Q**     Holding onto a what?

21          **A**     Hulk Hogan, that's just how big he felt  
22     and how small I felt just from grasping his arm.

23                   And as I'm trying to open the door is  
24     when, and I can't really get it open because he is  
25     standing only maybe 6 inches from my door, but as I



1 was trying to pull the handle, I see his hand coming  
2 back around like this and he hit me with this part  
3 of his right here, just a full swing all the way  
4 back around and hit me right here. (indicating)

5 After he did that, next thing I  
6 remember is how do I get this guy away from me.  
7 What do I do not to get beaten inside my car.

8 I remember having my hands up and I  
9 thought to myself, you know, what do I do.

10 I considered using my mace, however,  
11 I wasn't willing to sacrifice my left hand, which is  
12 blocking my face to go for it. I couldn't reach  
13 around on my right to get it and if I would have  
14 gotten it out, the chances of it being effective  
15 were slim to none. His hands were in front of his  
16 face, it would have blocked the mace from hitting  
17 him in the face and if any of that got on me, I know  
18 what it does to me and I would have been out of the  
19 game. I wear contacts, if that touches any part of  
20 my eyes, then I can't see at all.

21 Like I said, I don't carry a taser, I  
22 considered my asp, but to get that out since I kind  
23 of sit on it, I usually have to lean forward and  
24 pull myself forward to the steering wheel to get it  
25 out. Again, I wasn't willing to let go of the one

1 defense I had against being hit. The whole time, I  
2 can't tell you if he was swinging at me or grabbing  
3 me or pushing me or what, but there was just stuff  
4 going on and I was looking down figuring out what to  
5 do.

6 Also, when I was grabbing my asp, I  
7 knew if I did even get it out, I'm not going to be  
8 able to expand it inside the car or am I going to be  
9 able to make a swing that will be effective in any  
10 manner.

11 Next I considered my flashlight. I  
12 keep that on the passenger side of the car. I  
13 wasn't going to, again, reach over like this to grab  
14 it and then even if I did grab it, would it even be  
15 effective. We are so close and confined.

16 So the only other option I thought I  
17 had was my gun. I drew my gun, I turned. It is  
18 kind of hard to describe it, I turn and I go like  
19 this. He is standing here. I said, "get back or  
20 I'm going to shoot you."

21 He immediately grabs my gun and says,  
22 "you are too much of a pussy to shoot me." The way  
23 he grabbed it, do you have a picture?

24 Q I do have some pictures of your gun.  
25 Well, you can tell us if it is your gun, I believe

1 it is.

2           **A**     My gun was basically pointed this way.  
3 I'm in my car, he's here, it is pointed this way,  
4 but he grabs it with his right hand, not his left,  
5 he grabs with his right one and he twists it and  
6 then he digs it down into my hip. (indicating)

7           MS. WHIRLEY: Kathi, can you do the  
8 computer? I'm going to let you see these photos  
9 from Grand Jury Exhibit Number 10, and there's some  
10 numbers on the back of these photos just so we can  
11 keep track of what you are looking at. And I'm  
12 going to announce what they are and then I will let  
13 you tell us a little bit about them, okay?

14           **A**     All right.

15           **Q**     Let me just get my glasses. These are  
16 Grand Jury Exhibit Number 10, but the photo that I'm  
17 showing you is 60, 66, 63, so they're not in order  
18 and then 69, so if you could look at all of those  
19 photos. And tell me if that represents what you  
20 know to be your weapon and your ammunition?

21           **A**     Yes, it does.

22           **Q**     Let me see if we can get this, let me try  
23 to get this started. We'll talk a little bit about  
24 while we're working on that. So those are photos of  
25 your weapons; is that correct?

1           **A**     Yes, ma'am.

2           **Q**     And would those photos help you to sort of  
3     explain or to explain to the grand jurors what took  
4     place regarding the struggle with your weapon that  
5     you were trying to describe to us?

6           **A**     I think this would be the most helpful.

7           **Q**     Okay. And we are going to put it on the  
8     projector as soon as we can and have you, you know,  
9     tell us what's going on.

10                   I have a few other questions while we  
11     are waiting on that. So during the time that he's,  
12     you said Michael Brown is striking you in the face  
13     through the car door?

14           **A**     Right.

15           **Q**     And it was your opinion that you needed to  
16     pull out your weapon because why did you feel that  
17     way, I don't want to put words in your mouth?

18           **A**     I felt that another one of those punches  
19     in my face could knock me out or worse. I mean it  
20     was, he's obviously bigger than I was and stronger  
21     and the, I've already taken two to the face and I  
22     didn't think I would, the third one could be fatal  
23     if he hit me right.

24           **Q**     You thought he could hit you and it would  
25     be a fatal injury?

1           **A**     Or at least unconscious and then who knows  
2     what would happen to me after that.

3           **Q**     There you go, thank you, Kathi.

4                     You had not ever met Michael Brown or  
5     Dorian Johnson before this date?

6           **A**     No, ma'am.

7           **Q**     Never had any interaction with them at  
8     all?

9           **A**     No, ma'am.

10          **Q**     Okay. So this is Number 60. Why don't  
11     you come over here, Darren Wilson, and kind of tell  
12     us.

13          **A**     If you picture that --

14          **Q**     You can do it from there?

15          **A**     I can probably show with my hands.

16          **Q**     You want to use this to kind of?

17          **A**     No, I'll just do it with my hands. If  
18     that's pointed at me, I'm holding that like this.  
19     So it is pointed at, I would be Brown, he grabbed  
20     with his hand over the top like this manner and then  
21     twisted it down like this. And when it twisted, it  
22     ended up being like this in my hip. That's all I  
23     needed that for. (indicating)

24          **Q**     That's all you needed?

25          **A**     Yeah, just so I can show them how it

1 twisted and went down into my hip.

2 Q Okay. Since we have the projector up,  
3 let's look at some of the photographs because you  
4 did go to the doctor or to the hospital; is that  
5 right?

6 A Yes, ma'am.

7 Q And you mentioned being struck in the face  
8 before you pulled your weapon?

9 A Yes, ma'am.

10 Q So let's just look at those before we move  
11 on since we are here. These are also from State's  
12 Exhibit Number, Grand Jury Exhibit Number 10.

13 If you could look at these photos,  
14 you do know those to be you, correct?

15 A Yes, ma'am.

16 Q All right. So you give me that one, I  
17 guess I'm going to let Kathi maybe help me here.  
18 This is photo number six. And that's you?

19 A Correct.

20 Q Is that you at the hospital on August the  
21 9th?

22 A Yes, ma'am.

23 Q And why did you go to the hospital?

24 A For my face being swollen.

25 Q Was there any other injuries that you had

1 other than your face?

2           **A**     They had discovered there that I had  
3 scratches on the back of my neck.

4           **Q**     Okay. Anything else, tell us about your  
5 injuries?

6           **A**     I had a swollen right cheek, my left they  
7 said was swollen, I had scratches around my hairline  
8 in the back and I think on the side of my neck, but  
9 that's all that I remember.

10          **Q**     Any injuries to your hand?

11          **A**     No.

12          **Q**     Okay, let's see. Show me which one of  
13 those photos duplicates the injury to your face?

14          **A**     That one you can see the right side of my  
15 face swollen pretty good.

16          **Q**     Okay. And this is Number 12?

17          **A**     That one looks like it has bruising and  
18 swelling on it.

19          **Q**     Where is the swelling to your face on that  
20 one?

21          **A**     It was on my right side, that was the main  
22 injury.

23          **Q**     Point to it for us?

24                 MS. ALIZADEH: Here, if you want to use  
25 the laser pointer, hopefully it will work.

1           **A**     Right in this area. (indicating)

2           **Q**     (By Ms. Whirley) That's the swelling to  
3     your face?

4           **A**     Yes, ma'am.

5           **Q**     Okay. And this is Number 30 and you said  
6     this depicts the swelling too?

7           **A**     I think it shows the bruising on the side  
8     of my face.

9           **Q**     The bruising on the side of your face.  
10    And kind of show us where you see the bruising?

11          **A**     This area right here. (indicating)

12                   MS. WHIRLEY: Yes.

13                                 :                 . Can we pass  
14    those around?

15                   MS. ALIZADEH: I'm going to, yeah, I'm  
16    going to.

17          **A**     That was kind of the same.

18          **Q**     (By Ms. Whirley) Okay. This is number 24?

19                   MS. ALIZADEH: Wait a minute, there is  
20    two.

21                   MS. WHIRLEY: 24 is what I'm trying to  
22    look at.

23                   MS. ALIZADEH: This is 27.

24                   MS. WHIRLEY: This is 24. Now, what are  
25    we looking at there?



1           **A**     That's the left side of my face.

2           **Q**     (By Ms. Whirley) So you had, describe what  
3 we are looking at?

4           **A**     I can't really tell from that.

5           **Q**     Okay.

6           **A**     I can't see from this angle.

7           **Q**     Let me let you look at it again.

8           **A**     I think there was swelling to my face in  
9 that area too. I never saw my face after, this is  
10 the first I've seen.

11          **Q**     Does it look like swelling? You know your  
12 face better than we do, does that look like  
13 swelling?

14          **A**     I can't tell with that angle with the  
15 ruler.

16          **Q**     You can't tell on that one? What about  
17 this one?

18          **A**     That one I can tell from down by my, down  
19 in this area looks swollen to me.

20          **Q**     Okay. And this is Number 27. Were there  
21 any other photos that you think kind of show your  
22 injuries?

23          **A**     This one you can see the scratches in that  
24 area.

25          **Q**     Okay.

1           **A**     Here is a close-up of it.

2           **Q**     This is Number 33 and you say you can see  
3 scratches on the back of your neck?

4           **A**     Right in here.   (indicating)

5           **Q**     Okay.

6           **A**     This is just showing the red marks on my  
7 face on this one, on my neck on that one.

8           **Q**     Okay. This is Number 54. And you can  
9 kind of point to where the red marks are on your  
10 neck?

11          **A**     It is hard to see on that. It is in this  
12 area right there.   (indicating)

13          **Q**     Okay.

14          **A**     Most of those are the same.

15          **Q**     Okay. Any more of those you want us to  
16 see?

17          **A**     It is hard to tell from the pictures and  
18 that angle. I think the best one was looking  
19 straight forward at me.

20          **Q**     Okay. And they've already got those. All  
21 right, thank you.

22                   All right. So you suffered the  
23 injury to your face and you showed us where the gun  
24 was grabbed and at the time when there is a struggle  
25 for the gun, take us from there.

1           **A**     He grabs my gun, says, "you are too much  
2     of a pussy to shoot me." The gun goes down into my  
3     hip and at that point I thought I was getting shot.  
4     I can feel his fingers try to get inside the trigger  
5     guard with my finger and I distinctly remember  
6     envisioning a bullet going into my leg. I thought  
7     that was the next step.

8           **Q**     I'm going to stand back so you can talk a  
9     little louder.

10          **A**     As I'm looking at it, I'm not paying  
11     attention to him, all I can focus on is just this  
12     gun in my leg.

13                   I was able to kind of shift slightly  
14     like this and then push it down, because he is  
15     pushing down like to keep it pinned on my leg. So  
16     when I slid, I let him use his momentum to push it  
17     down and it was kind of pointed to where the seat  
18     buckle would attach on the floorboard on the side of  
19     my car.

20                   Next thing I remember putting my left  
21     hand on it like this, putting my elbow into the back  
22     of my seat and just pushing with all I could  
23     forward.

24          **Q**     Were you saying anything?

25          **A**     I don't know.

1           **Q**     You don't know if he was saying either?

2           **A**     I heard stuff, but I couldn't tell you  
3 what it was.

4           **Q**     Okay.

5           **A**     Like I said, I was just so focused on  
6 getting the gun out of me. When I did get it up to  
7 this point, he is still holding onto it and I pulled  
8 the trigger and nothing happens, it just clicked. I  
9 pull it again, it just clicked again.

10                   At this point I'm like why isn't this  
11 working, this guy is going to kill me if he gets  
12 ahold of this gun. I pulled it a third time, it  
13 goes off. When it went off, it shot through my door  
14 panel and my window was down and glass flew out of  
15 my door panel. I think that kind of startled him  
16 and me at the same time.

17                   When I see the glass come up, it  
18 comes, a chunk about that big comes across my right  
19 hand and then I notice I have blood on the back of  
20 my hand.

21                   After seeing the blood on my hand, I  
22 looked at him and he was, this is my car door, he  
23 was here and he kind of stepped back and went like  
24 this.

25                   And then after he did that, he looked

1 up at me and had the most intense aggressive face.  
2 The only way I can describe it, it looks like a  
3 demon, that's how angry he looked. He comes back  
4 towards me again with his hands up.

5 At that point I just went like this,  
6 I tried to pull the trigger again, click, nothing  
7 happened.

8 Q When you say he came back up to you with  
9 his hands up, describe to us what he is doing?

10 A Last thing I saw was this coming at me.

11 Q Was it a fist?

12 A I just saw his hands up, I don't know if  
13 they were closed yet, on the way to going closed, I  
14 saw this and that face coming at me again, and I  
15 just went like this and I shielded my face.

16 Q And you did what?

17 A Went like this and shielded my face.

18 Q Did he hit you at that time?

19 A Yes.

20 Q Okay. Go ahead.

21 A So I pulled the trigger, it just clicks  
22 that time. Without even looking, I just grab the  
23 top of my gun, the slide and I racked it, and I put  
24 my, still not looking just holding my hand up, I  
25 pulled the trigger again, it goes off. When I look

1 back after that --

2 Q So how many times does it go off in the  
3 car?

4 A It went off twice in the car. Pull,  
5 click, click, went off, click, went off. So twice  
6 in the car.

7 Q Are you certain?

8 A Yes.

9 Q Okay.

10 A When I look up after that, I see him start  
11 to run and I see a cloud of dust behind him. I then  
12 get out of my car. As I'm getting out of the car I  
13 tell dispatch, "shots fired, send me more cars."

14 We start running, kind of the same  
15 direction that Johnson had pointed. Across the  
16 street like a diagonal towards this, kind of like  
17 where the parking lot came in for Copper Creek Court  
18 and Canfield, right at that intersection. And there  
19 is a light pole right there, I remember him running  
20 towards the light pole.

21 We pass two cars that were behind my  
22 police car while we were running. I think the  
23 second one was Pontiac Grand Am, a green one. I  
24 don't know if it was a two door or four door, I just  
25 remember seeing a Pontiac green Grand Am.

1                   When I passed the second one, about  
2   that same time he stopped running and he is at that  
3   light pole. So when he stopped, I stopped. And  
4   then he starts to turn around, I tell him to get on  
5   the ground, get on the ground.

6                   He turns, and when he looked at me,  
7   he made like a grunting, like aggravated sound and  
8   he starts, he turns and he's coming back towards me.  
9   His first step is coming towards me, he kind of does  
10  like a stutter step to start running. When he does  
11  that, his left hand goes in a fist and goes to his  
12  side, his right one goes under his shirt in his  
13  waistband and he starts running at me.

14           **Q**    You say under his shirt?

15           **A**    Yes.

16           **Q**    Was he wearing a shirt that was longer  
17  than his waistband?

18           **A**    Yes, ma'am.

19           **Q**    So he goes up under the shirt?

20           **A**    Yes.

21           **Q**    Okay. Go ahead.

22           **A**    That was all done, like I said, the first  
23  step, his first stride coming back towards me.

24                   As he is coming towards me, I tell,  
25  keep telling him to get on the ground, he doesn't.

1 I shoot a series of shots. I don't know how many I  
2 shot, I just know I shot it.

3 I know I missed a couple, I don't  
4 know how many, but I know I hit him at least once  
5 because I saw his body kind of jerk or flinched.

6 I remember having tunnel vision on  
7 his right hand, that's all, I'm just focusing on  
8 that hand when I was shooting.

9 Well, after the last shot my tunnel  
10 vision kind of opened up. I remember seeing the  
11 smoke from the gun and I kind of looked at him and  
12 he's still coming at me, he hadn't slowed down.

13 At this point I start backpedaling  
14 and again, I tell him get on the ground, get on the  
15 ground, he doesn't. I shoot another round of shots.  
16 Again, I don't recall how many it was or if I hit  
17 him every time. I know at least once because he  
18 flinched again.

19 At this point it looked like he was  
20 almost bulking up to run through the shots, like it  
21 was making him mad that I'm shooting at him.

22 And the face that he had was looking  
23 straight through me, like I wasn't even there, I  
24 wasn't even anything in his way.

25 Well, he keeps coming at me after



1 that again, during the pause I tell him to get on  
2 the ground, get on the ground, he still keeps coming  
3 at me, gets about 8 to 10 feet away. At this point  
4 I'm backing up pretty rapidly, I'm backpedaling  
5 pretty good because I know if he reaches me, he'll  
6 kill me.

7 And he had started to lean forward as  
8 he got that close, like he was going to just tackle  
9 me, just go right through me.

10 Q Can you demonstrate for us how he was  
11 leaning forward?

12 A His hand was in a fist at his side, this  
13 one is in his waistband under his shirt, and he was  
14 like this. Just coming straight at me like he was  
15 going to run right through me. And when he gets  
16 about that 8 to 10 feet away, I look down, I  
17 remember looking at my sites and firing, all I see  
18 is his head and that's what I shot.

19 I don't know how many, I know at  
20 least once because I saw the last one go into him.  
21 And then when it went into him, the demeanor on his  
22 face went blank, the aggression was gone, it was  
23 gone, I mean, I knew he stopped, the threat was  
24 stopped.

25 When he fell, he fell on his face.

1 And I remember his feet coming up, like he had so  
2 much momentum carrying him forward that when he  
3 fell, his feet kind of came up a little bit and then  
4 they rested.

5 At that point I got back on the radio  
6 and said, "send me a supervisor and every car you  
7 got."

8 Q Okay. So when the shots were first fired  
9 in your car, you said you believe you fired two  
10 shots in the car?

11 A Yes, two actually went off in the car.

12 Q Two went off in the car. And at this  
13 point, the second shot, is that when he ran?

14 A After the second shot, yes.

15 Q After the second shot. Are you still in  
16 the car?

17 A When he starts to run?

18 Q Yes.

19 A Yes, ma'am.

20 Q Okay. Do you, at that time, do you say  
21 shots fired?

22 A As I'm exiting the car to chase him, yes.

23 Q Did you know that radio dispatch did not  
24 go out?

25 A No, I didn't find out until later while I

1 was actually driving back to the station that my  
2 portable radio was on channel 3 and our main channel  
3 was channel 1.

4           **Q**     So nobody heard you say shots fired to  
5 your knowledge?

6           **A**     To my knowledge.

7           **Q**     Okay.

8           **A**     They did ask me why my radio for the car  
9 was laying on the floorboard, asked me if I used  
10 that. I don't remember using that radio. I, for  
11 some reason, remember using this one. It could have  
12 been sitting in my lap, there is also that chance  
13 that I used that one. I don't know which one that I  
14 used.

15                   MS. ALIZADEH: I'm sorry, when you say  
16 your radio, you mean the mike --

17           **A**     The mike, yes, ma'am.

18                   MS. ALIZADEH: -- for the radio? The  
19 radio is attached to the dash, correct?

20           **A**     Yes, it is in the center console. So the  
21 mike was probably in my lap at some point.

22                   MS. ALIZADEH: The mike, okay.

23           **Q**     (By Ms. Whirley) All right. So you're in  
24 the car, you fire two shots and he's running and you  
25 get out of the car to chase after him and tell us

1 your rationale, what you are thinking now?

2 **A** When I'm chasing him?

3 **Q** Yes. You get out of the car and run after  
4 him.

5 **A** My main goal was to keep eyes on him and  
6 just to keep him contained until I had people coming  
7 there. I knew I had already called for backup and I  
8 knew they were already in the area for the stealing  
9 that was originally reported. So I thought if I can  
10 buy 30 seconds of time, that was my original goal  
11 when I tried to get him to come to the car. If I  
12 could buy 30 seconds of time, someone else will be  
13 here, we can make the arrest, nothing happens, we  
14 are all good. And it didn't happen that way.

15 So when he ran, you know, just stay  
16 with him, someone is going to be here, you know,  
17 we'll get him.

18 **Q** And when you, when the second shot was  
19 fired inside the car, did you think he was hit at  
20 all?

21 **A** No, I thought I missed.

22 **Q** Both shots. You didn't see any blood on  
23 him?

24 **A** The first shot, judging by his reaction,  
25 he went back, I thought it went through the door and

1 hit him in the leg, in the hip, is what I thought.

2 Q Okay.

3 A The second one I saw the cloud of dust and  
4 him running, I knew I missed.

5 Q Okay. So you got out of the car, you are  
6 running, you are telling him to stop; is that right?

7 A Correct.

8 Q And he's not listening?

9 A No, not until he gets to that light pole  
10 and that's when he stopped.

11 Q To what now?

12 A He gets to that light pole at that  
13 intersection.

14 Q Are you firing at him while he's running?

15 A No, ma'am.

16 Q Is Dorian Johnson anywhere around?

17 A I never saw him after the very beginning.  
18 Once he walked past my car, I never saw him again.

19 Q Okay. All right. And at some point you  
20 say Michael Brown does turn around?

21 A Yes, ma'am.

22 Q Any idea what happened to make him turn  
23 around or he just all of the sudden turns around?

24 A No, just turns around. His whole reaction  
25 to the whole thing was something I've never seen.

1 I've never seen that much aggression so quickly from  
2 a simple request to just walk on the sidewalk.

3 Q Okay. Because you never did talk to him  
4 about the Cigarillos or the stealing at the Ferguson  
5 Market?

6 A No, I never had the chance to.

7 Q All right. You said when he's coming back  
8 at you with his hand, right hand in his waistband  
9 and kind of charging, that's when you fired the last  
10 shots?

11 A Yes, ma'am.

12 Q And he went down?

13 A Yes, ma'am.

14 Q Did you think he was dead at that point?

15 A Yes, I did.

16 Q What did you do after that when he goes  
17 down?

18 A After that is when I got back on the radio  
19 and I said, "send me a supervisor and every car you  
20 have."

21 Seconds later, I don't know how many  
22 seconds later, is when Officer followed by  
23 Officer arrived. And I believe they were the  
24 ones that were assigned to the stealing call  
25 originally. walked up to me and said,

1     Darren, what do you need.

2                   MS. ALIZADEH: Said what?

3           **A**     Darren, what do you need. I don't  
4     remember what my reply was and he said, did you call  
5     for an ambulance. I said I haven't, will you. I  
6     remember him calling twice, like he was about from  
7     me to you away on the radio calling.

8                   And then I look across and           was  
9     starting to tape off the area, but I notice that all  
10    of our cars are parked this way, Brown is laying  
11    here, there is nothing on this side. I told  
12    to move his car to this side to block that side of  
13    the street off. He did that and then he resumed  
14    taping.

15                   After that I walked to my car and I  
16    put my gun up, I start walking away from the scene.  
17    As I'm walking away, I walk back to my car and I  
18    don't know if the door was open or shut, I think it  
19    was shut. I open the door, I reach in, I turn my  
20    car off, shut the door. At that time my sergeant  
21    pulled up and I walked over to him.

22           **Q**     (By Ms. Whirley) This is Sergeant     ?

23           **A**     Yes, ma'am.

24           **Q**     Okay.

25           **A**     I don't remember what started the

1 conversation, he said something first, but I said I  
2 have to tell you what happened. And he goes, what  
3 happened.

4 I said, I had to kill him.

5 He goes, you what?

6 I said, he grabbed my gun, I shot  
7 him, I killed him.

8 He goes, go sit in the car.

9 I said, I cannot sit in the car.

10 I remember him saying, Darren, sit in  
11 the car.

12 I said, Sarge, I can't be singled  
13 out. It is already getting hostile, I can't be  
14 singled out in the car. I will leave if you want me  
15 to leave.

16 He said, take my car and leave. So I  
17 got in his car and I drove to the police station.

18 **Q** In your mind him grabbing the gun is what  
19 made the difference where you felt you had to use a  
20 weapon to stop him?

21 **A** Yes. Once he was hitting me in the face,  
22 that enough, was in my mind to authorize the use of  
23 force.

24 **Q** Okay. So if he would not have grabbed  
25 your gun while he was hitting you in the face,



1 everything was the same, but he would not have  
2 grabbed the gun, you still would have used deadly  
3 force?

4           **A**     My gun was already being presented as a  
5 deadly force option while he was hitting me in the  
6 face.

7           **Q**     Okay, all right. So then you go to the  
8 station?

9           **A**     Yes.

10          **Q**     And what happens, you go alone?

11          **A**     Yes.

12          **Q**     And before you leave for the station,  
13 there is a crowd developing, right?

14          **A**     Correct.

15          **Q**     And do you hear what the crowd is saying?  
16 I know you are in a pretty stressful situation, but  
17 do you understand or hearing anything that they're  
18 saying?

19          **A**     I hear yelling, I hear screaming, as I'm  
20 walking back to my car, a white Ford truck pulled up  
21 and I remember her saying is that so and so? It was  
22 a female driver that got out.                   said, ma'am,  
23 we don't know. I heard her say, I think it is so  
24 and so, and then she screamed and that's all I  
25 heard.

1 I could hear other noises and  
2 screaming, but I couldn't hear.

3 Q Okay. We're going to go with you to the  
4 station in just a minute, but I wanted to ask you  
5 about your relationship with the residents in the  
6 Canfield Green Apartments.

7 A Uh-huh.

8 Q Did you guys have a volatile, well, how  
9 can I put this. Did you not really get along well  
10 with the folks that lived in that apartment, not you  
11 personally, I mean the police in general?

12 A It is an antipolice area for sure.

13 Q And when you say antipolice, tell me more?

14 A There's a lot of gangs that reside or  
15 associate with that area. There's a lot of violence  
16 in that area, there's a lot of gun activity, drug  
17 activity, it is just not a very well-liked  
18 community. That community doesn't like the police.

19 Q Were you pretty much on high alert being  
20 in that community by yourself, especially when  
21 Michael Brown said, "fuck what you say," I think he  
22 said?

23 A Yes.

24 Q You were on pretty high alert at that  
25 point knowing the vicinity and the area that you're

1 in?

2           **A**     Yes, that's not an area where you can take  
3 anything really lightly. Like I said, it is a  
4 hostile environment. There are good people over  
5 there, there really are, but I mean there is an  
6 influx of gang activity in that area.

7           **Q**     All right. So you're driving yourself  
8 back to Ferguson, what are you thinking on the drive  
9 back to Ferguson?

10          **A**     I think I'm just kind of in shock of what  
11 just happened, I really didn't believe it because  
12 like I said, the whole thing started over will you  
13 just walk on the sidewalk and it developed into that  
14 in 45 seconds.

15                   And that's the only other thing I  
16 remember thinking about is I heard the car radio  
17 going off and mine wasn't. That doesn't make sense.  
18 So I hit the scan button on mine thinking the scan  
19 button got messed up, I wasn't getting everything.

20                   And I did that and it still, this one  
21 is going off and mine's not. So then I looked at it  
22 and I was on channel 3. I was like, I don't know  
23 what was heard or what wasn't heard.

24          **Q**     And that's when you realized that you  
25 probably, nobody probably even heard your call for

1 help?

2           **A**     Right. I know they heard the initial one  
3 because before I put it in reverse I used the car  
4 radio, the car mike, which is always on Ferguson  
5 channel, it never changes, but I don't know when  
6 this one was changed, if they even heard anything.

7           **Q**     When you first went out on your call to  
8 Canfield Green, you said, I'm going out Frank 21?

9           **A**     Frank 21.

10          **Q**     I'm going out with two, send me a car?

11          **A**     I said, "Frank 21, I'm on Canfield with  
12 two, send me another car."

13          **Q**     It wasn't a stressful situation at that  
14 point?

15          **A**     No, it wasn't, but I just had that gut  
16 feeling that someone else needed to be there and  
17 knowing that this guy just stole from the market  
18 because I saw the Cigarillos and had the black  
19 shirt, I felt that in order to affect the arrest, it  
20 would be better to have.

21          **Q**     You asked for this other car before any  
22 words were exchanged, correct?

23          **A**     No, he had already told me, "fuck what you  
24 have to say."

25          **Q**     Before you asked for the car, when you

1     said I'm Frank 21, I'm at Canfield Green, send me a  
2     car. He had already said, "fuck what you have to  
3     say?"

4           **A**     Yeah, he had already walked past by my car  
5     and said that.

6           **Q**     Okay.

7           **A**     That's when I saw the Cigarillos when he  
8     said that and he kept walking. Then I got on the  
9     radio and said, "send me another car."

10          **Q**     You didn't tell the dispatcher that you  
11     were having a confrontation or that you had these  
12     guys who might be the suspects in the stealing?

13          **A**     No.

14          **Q**     You didn't say that to the dispatcher when  
15     you said send me a car?

16          **A**     No, it was kind of said in a quicker way,  
17     just kind of hey, I want to get the information out,  
18     get a car started and once more develops, I can  
19     advise them of more.

20          **Q**     But you never had a chance to do that?

21          **A**     No, I didn't.

22          **Q**     Okay. All right. So you drive back to  
23     Ferguson by yourself, you are at Ferguson, what do  
24     you do?

25          **A**     I immediately go to the bathroom. On the

1 way back I found that I had blood on the inside of  
2 my left hand and I already know I had it on the back  
3 of my right hand. And just from everything we have  
4 always been taught about blood, you don't want it on  
5 you, you don't touch it, you don't come in contact  
6 with it.

7 And my original thought was that it  
8 was the glass had cut my wrist and cut my hand,  
9 which is why this hand was bleeding. And so  
10 thinking that I was cut with someone else's blood on  
11 me, I had to wash my hands.

12 So I go directly to the bathroom. I  
13 actually washed them, went to the bathroom and then  
14 I looked, like I still had it like in my cuticles  
15 and stuff, so I washed my hands again. After I  
16 washed my hands, I go to our roll call room.

17 Q Let me ask you this, was there a lot of  
18 blood?

19 A From like my finger tips to about here was  
20 blood.

21 Q Like dripping blood?

22 A No, just on the back of my hand, it wasn't  
23 liked wraparound like I dipped my hand in blood, but  
24 there was like blood on the back of my hand.

25 Q One of the grand jurors asked earlier, you

1 may know the answer to the question, was there blood  
2 left like in Sergeant s car after you got out  
3 of it?

4 A I don't know, I did call him and say, I  
5 don't know who is going to drive your car later, but  
6 I had blood on my hands. You might want to tell  
7 them to wipe down the steering wheel or just be  
8 cautious of it because I never went back and looked  
9 at the car.

10 Q I see. Okay, so go ahead, after you wash  
11 your hands?

12 A I then go down the hallway to the roll  
13 call room. Once in there, Officer was in  
14 there working on the computer.

15 Q Which officer,

16 A

17 Q Do you need that spelled? Spell that,  
18 please?

19 A .

20 Q And that's a officer?

21 A Yes.

22 Q And that's a friend of yours?

23 A Yeah, .

24 Q Okay. So there at  
25 the station?

1           **A**     Yes.

2           **Q**     Okay. Go ahead.

3           **A**     I come in,           looks at me           said, you  
4     know, what happened. And I said, I just had to  
5     shoot somebody.

6                     And           was kind of in shock and  
7     had had, the computer           was working on in front of  
8           the one next to           had, what we call the  
9     CADament screen, it just shows the status of all the  
10    cars where they're at. Well, on that one it is  
11    showing all the Ferguson cars out on Canfield.

12                    goes, I was really hoping you  
13    weren't involved in that, you know, because any time  
14    every car is involved, you really don't know what is  
15    going to happen, who is going to get hurt.

16           **Q**     What was           doing,  
17                    what was           duty that day?

18           **A**     was working for court,           was doing  
19    paperwork, entering warrants for them.

20           **Q**     So           wasn't working the radio or  
21    dispatch or anything like that?

22           **A**     No.

23           **Q**     And           didn't know what had happened?

24           **A**     No.

25           **Q**     just knew a lot of cars were going



1     there?

2           **A**           just saw the cars,        didn't even  
3     know what the call was. I think they had it as a  
4     disturbance, so        didn't even know what it was.

5           **Q**     Okay.

6           **A**     I go in there, I asked       to go get me a  
7     pair of gloves.       goes gets me a pair of gloves,  
8       comes back, put the gloves on. I grab an  
9     evidence envelope, take my gun out of the holster,  
10    make it safe. I lock the slide back, take the  
11    magazine out, take the one round that's left in it  
12    out. I put it all in that bag, seal it with  
13    evidence tape and then sign it.

14          **Q**     And you handled your gun at that time with  
15    gloves on?

16          **A**     Correct.

17          **Q**     And why did you do that?

18          **A**     To preserve any evidence on there, I knew  
19    his DNA was on that gun.

20          **Q**     How did you know his DNA was on the gun?

21          **A**     When I first took it out, without even  
22    looking at it, I knew that he had fingerprints on it  
23    and possibly even sweat from, it was warmer that day  
24    so, and he could have sweat on it. When I took it  
25    out, I also saw blood on it.

1           **Q**     You saw blood?

2           **A**     Yes.

3           **Q**     And that could have been from when you  
4 shot him?

5           **A**     Yes.

6           **Q**     Okay. Is it procedure for you to make  
7 your gun safe in a shooting like this or should  
8 someone else do that?

9           **A**     I don't really know.

10          **Q**     Because that never happened to you before?

11          **A**     Correct.

12          **Q**     And you never investigated this type of  
13 crime?

14          **A**     No, I have not.

15          **Q**     Not crime, but situation before?

16          **A**     Correct.

17          **Q**     Okay. All right. So you made, but you  
18 knew how to make the gun safe and put it in an  
19 evidence envelope based on your training and  
20 experience?

21          **A**     Yes, I was just trying to preserve all the  
22 evidence I could on the weapon. And I knew if I put  
23 it in an evidence envelope and sealed it, that it  
24 would have no other contact with anybody and it  
25 could be as preserved as you could get.

1           **Q**     Okay. All right. And then what?

2           **A**     I sat down and called for my attorney, who  
3     represents police for the union. He said he would  
4     be on his way.

5                     Officer            came in, he gave me the  
6     card for the application for the Fraternal Order of  
7     Police. I said, I already called them.

8                     He said, would you like to tell me  
9     what happened so I can tell the media? I said, no,  
10    I don't want to talk right now.

11                    Lieutenant        came in, he's  
12    actually my lieutenant who was off that day. He  
13    came in and said, has anybody told you what's  
14    happening? I said, I don't really know anything  
15    that's going on there. I left the scene pretty much  
16    right after.

17                    He said St. Louis County is  
18    investigating. I said okay, and then he left.

19                    And then right after he left,  
20    Ferguson Fire Department and EMS from Christian  
21    Northeast Hospital showed up. They stayed about  
22    this far away, they didn't actually come in the  
23    room.

24                    And they asked what happened?

25                    I said, I was hit in the face

1 multiple times.

2 They asked where?

3 I pointed this side, that side.

4 They asked if I lost consciousness?

5 I said, no.

6 My vision was blurry?

7 I said, no.

8 Asked if I needed to go to the

9 hospital?

10 I said, no, not right now.

11 So is there anything else we can do

12 for you?

13 I said, no, not right now, and then

14 they left.

15 About 20 minutes later is when

16 my attorney, showed up and we talked for about 10 or

17 15 minutes.

18 My assistant chief showed up, he came

19 in and he made the determination that we should go

20 to the hospital, he could see the swelling on my

21 face.

22 So he drove, before we left,

23 Detective from St. Louis County arrived,

24 informed us he would be investigating the case and

25 kind of gave us the rundown of what to expect. And

1 then he agrees with going to the hospital.

2 So my assistant chief drove me and  
3 to the hospital and Detective followed.

4 Q Okay. And those photos that we looked at  
5 a minute ago were you at the hospital, correct?

6 A Yes, ma'am.

7 Q And then what happened after that?

8 A At the hospital we did the interview. And  
9 when I went to the hospital, I didn't wear my  
10 uniform shirt, I took that off and my vest off, left  
11 it at the station, left my duty belt at the station.

12 Q Did someone tell you to do that?

13 A Yeah, and I felt more comfortable too  
14 because I obviously can't wear my gun, and I don't  
15 want to be in uniform after all of this without it.

16 So I took the shirt off, just my  
17 undershirt, my pants, my boots, go to the hospital.  
18 While waiting to be treated in the waiting room, not  
19 in the waiting room, in the actual hospital room,  
20 Detective began his interview and then stopped  
21 as needed for nurses, whoever came in. They took  
22 x-rays, prescribed me a painkiller for the face  
23 injuries.

24 St. Louis County's evidence  
25 technician arrived, he photographed everything. I

1 don't know who it is, but he came from whoever the  
2 department uses for drug tests, they gave me the  
3 drug tests. And then after that, I think he left  
4 and then the assistant chief drove me and back  
5 to the station.

6 He had already made a phone call, the  
7 assistant chief did to have Officer  
8 get a change of clothes for me, so  
9 they were going to take my clothes. They had blood  
10 on my left hip area.

11 So when I get back I change, St.  
12 Louis County took my pants, shirt, they already had  
13 my weapon, and then that was it, I went home for the  
14 day.

15 Q Okay. You have been on administrative  
16 leave since then?

17 A Correct.

18 Q Okay. In your, well, first of all, you  
19 have been a police officer for how long?

20 A Five years.

21 Q Five years. You started out with  
22 Jennings?

23 A Correct.

24 Q Why did you leave Jennings?

25 A Whenever Jennings was disbanded, I wasn't

1      officered a position by St. Louis County.

2           **Q**     Did you apply for a position?

3           **A**     Yes, I did. I just wasn't one of the ones  
4      selected.

5           **Q**     All right. So you went to Ferguson?

6           **A**     Correct.

7           **Q**     Those are the only two departments you  
8      have been?

9           **A**     I actually worked for Pine Lawn for about  
10     eight hours.

11          **Q**     Eight hours?

12          **A**     Yes.

13          **Q**     Okay. Did you leave voluntarily?

14          **A**     Yes, I did.

15          **Q**     After eight hours?

16          **A**     Yes.

17          **Q**     Any other incidents where you have been  
18     involved where you had to use excessive force?

19          **A**     I've never used my weapon before.

20          **Q**     Not excessive force, where you have had to  
21     use force to affect an arrest?

22          **A**     I've used my asp before, I have used my  
23     flashlight before and I have used OC spray before.

24          **Q**     Okay. And in those incidents though, no  
25     one was injured?

1           **A**     No.

2           **Q**     Okay. All right.

3                   MS. WHIRLEY: Anyone else have questions?

4     I have a few more, but if you have something.

5                   Yes,

6                                 :                 . I just, hopeful

7     you don't take any offense, I just have a question.

8     You worked for Pine Lawn for eight hours, Jennings,

9     you worked for Ferguson?

10          **A**     Correct.

11                                 Have you always worked in  
12     predominantly African-American neighborhoods?

13          **A**     Yes, I have.

14                                 You have.

15          **A**     Yes.

16                                 : No problem until this  
17     time?

18          **A**     Correct.

19                                 : Okay.

20                                 :                 . I want to  
21     go back to when Sergeant             arrived there. You  
22     told him that you had to kill him. Was that the  
23     extent of your conversation or did you tell him sort  
24     of like you are telling us play by play what  
25     happened?



13           **A**     I did that before the car was placed in  
14   reverse.

17 : Go over that again with  
18 me, which mirror were you looking at?

22           **A**       Whenever they walked me and I saw the  
23       Cigarillos. I'd already saw that Dorian Johnson had  
24       on a black shirt, but just to double-check myself to  
25       match up with what I heard Cigarillos had been

1 stolen and a suspect wearing a black shirt, I looked  
2 to make sure the shirt was black.

3 : Okay.

4 **A** And then I called out for the assist car  
5 and then placed it in reverse and backed up to him.

6 : Thank you.

7 **A** You're welcome.

8 MS. ALIZADEH: Officer Wilson, I have a  
9 few questions.

10 **Q** (By Ms. Alizadeh) Prior to today, at any  
11 time after this incident have you seen any reports  
12 of any kind, medical examiner's reports, police  
13 reports, hospital reports, anything of that nature?

14 **A** The only report I've seen was the one  
15 released on the news about the initial stealing.

16 **Q** Okay. So that is the Ferguson report that  
17 was filed in relation to the theft of the  
18 Cigarillos?

19 **A** Correct.

20 **Q** And when you, the vehicle that you were  
21 in, I'm guessing that is not equipped with any  
22 cameras or mikes?

23 **A** No, it is not.

24 **Q** To record what was going on, correct?

25 **A** Correct.

1           **Q**     Any of the Ferguson officer's vehicles  
2     equipped with that type of equipment?

3           **A**     No, ma'am.

4           **Q**     You don't wear a body mike?

5           **A**     No, ma'am.

6           **Q**     Now, your duty holster that you've  
7     described or your duty belt has the holster attached  
8     to it, correct?

9           **A**     Correct.

10          **Q**     Is it the type of holster that there's a  
11     snap that goes over the gun that you have to unsnap  
12     before the gun is removed from the holster?

13          **A**     No, it doesn't have the strap on the top,  
14     there is a button on the outside of it that you push  
15     as you are pulling up and it releases it.

16          **Q**     Okay. And is that something that, I mean,  
17     as a police officer, you have to train at the firing  
18     range, is that fair to say?

19          **A**     Yes, ma'am.

20          **Q**     And is part of your training learning how  
21     to quickly get your gun out of your holster?

22          **A**     Yes, ma'am.

23          **Q**     When you called in and said you had two on  
24     Canfield or two out, I think you said?

25          **A**     I said, "Frank 21, I'm on Canfield with

1 two, send me another car."

2 Q With two. And why didn't you say anything  
3 about asking again, what was that description of the  
4 two involved in the larceny, did you ask for any  
5 other details to insure in your own mind that maybe  
6 these, you know, were these the guys?

7 A No, because my initial focus was just to  
8 get the information out that I was there. Have the  
9 other car respond and then get to that. My whole  
10 goal was to just stall until someone got there.

11 Q Well, you've made previous statements  
12 about that, this incident, and one being initially  
13 to Sergeant

14 A Uh-huh.

15 Q Would you say that was kind of a brief,  
16 not a lot of detail statement, would that be fair to  
17 say?

18 A The one on scene?

19 Q On scene.

20 A Yeah, it was very brief.

21 Q And then you talked to ,  
22 Detective ?

23 A Correct.

24 Q At the hospital. And that was a little  
25 more detailed, would that be fair to say?

1           **A**     Yes.

2           **Q**     You didn't say anything to  
3     about the Cigarillos, did you?

4           **A**     Yes.

5           **Q**     You believe you did?

6           **A**     Yes, ma'am.

7           **Q**     Did you tell                                 that when you  
8     saw him with his left hand reaching back and he made  
9     the statement here, hold these or whatever, that you  
10    saw what was in his hand?

11          **A**     I had saw the flash of them going back  
12    behind him.

13          **Q**     So you didn't see at that point what was  
14    in his hand?

15          **A**     I could see the red and white wrapper of a  
16    Cigarillo in his hand.

17          **Q**     Okay. Just so I can be sure I'm  
18    understanding you, did you see that they were  
19    Cigarillos or did you assume they were Cigarillos?

20          **A**     I assumed they were Cigarillos at that  
21    point. I saw that they were in his right hand  
22    before the contact was made.

23          **Q**     But you didn't notice as his hand, his  
24    right hand comes in the vehicle, and initially  
25    contacts your face, you don't notice that he has

1     these packages or package with red and white  
2     wrappers, you don't see them as he is hitting you?

3           **A**     No, because I had shielded myself and I  
4     believe I even closed my eyes.

5           **Q**     Did you ever grab ahold, you said that you  
6     grabbed ahold of his right hand at some point?

7           **A**     It was like his forearm, it was this area.  
8     (indicating)

9           **Q**     His right forearm?

10          **A**     Yes, ma'am.

11          **Q**     And what were you doing when you grabbed  
12     ahold of his right forearm?

13          **A**     Trying to move him and somewhat control  
14     him so I could get out of the car.

15          **Q**     Were you ever pulling him to try to pull  
16     him into the vehicle?

17          **A**     No, I was trying to open my car door with  
18     my left hand and then hold onto him as I did so.

19          **Q**     So you've got your left hand, or what's  
20     holding his right hand?

21          **A**     My right hand.

22          **Q**     You are like this? (indicating)

23          **A**     Yes.

24          **Q**     And you are like this trying to open your  
25     door? (indicating)

1           **A**     Yes.

2           **Q**     And this is before you've gone for your  
3     gun?

4           **A**     Yes.

5           **Q**     The first shot you've described pretty, I  
6     guess, in detail. I think I understand the first  
7     shot. The second shot you said you kind of weren't  
8     looking, I guess?

9           **A**     Uh-huh.

10          **Q**     Where was your gun pointed?

11          **A**     His general direction.

12          **Q**     Was your gun above the level of the door  
13     frame?

14          **A**     I would say, yes. It had come up, it was  
15     not on my leg any more and my leg sits only that far  
16     away from the top of the window. So I remember  
17     doing it like this, having my gun up.

18          **Q**     And you said you saw a little puff of dust  
19     or dirt that you assume was where a projectile might  
20     have landed in the dirt; is that correct?

21          **A**     Yes, ma'am.

22          **Q**     So your gun wasn't pointed like up in the  
23     air, would that be fair to say?

24          **A**     Not that I'm aware of, correct.

25          **Q**     Was your gun, if you had rolled up your

1 window, let's just say, was your gun totally inside  
2 the vehicle, partially out of the vehicle, or was  
3 your hand extended so that the gun was totally  
4 outside of your vehicle?

5 **A** I don't know for sure, but it was my right  
6 hand with it and I was like this. So I don't know  
7 where it could have gone.

8 **Q** And I was using my left hand, I guess, to  
9 demonstrate, you are right handed?

10 **A** Yes, ma'am.

11 **Q** And so you were across your body?

12 **A** Yes, ma'am.

13 **Q** And you said you had turned your face  
14 somewhat?

15 **A** Yes, ma'am.

16 **Q** And at that point Michael Brown is not  
17 right up on the vehicle, is that fair to say?

18 **A** No, this is when he is coming back at the  
19 vehicle. He is only about a foot away and then  
20 after the first shot hit him, he went down and kind  
21 of held his hip for a second and then he came back  
22 up and started to come back in the vehicle. And  
23 that's when I just went like this and I pulled the  
24 trigger.

25 **Q** Did you give him any kind of warning



1 before that second shot?

2 **A** I don't recall.

3 **Q** (By Ms. Whirley) You said you knew the  
4 area and you felt threatened in that area because  
5 there is violence and guns and everything, and that  
6 Michael Brown was being confrontational before the  
7 first blow, correct?

8 **A** Yes.

9 **Q** Is there any reason why you didn't wait in  
10 the car until your backup came?

11 **A** I thought I would be able to just stall  
12 until someone got there. I thought if I can get out  
13 of the car, I could maintain the distance that I  
14 need to maintain, they were close. I figure all I  
15 needed was 20 or 30 seconds and someone is going to  
16 be there.

17 **Q** Right. So why wouldn't you stay in the  
18 car?

19 **A** Because I had already been, my comfort  
20 zone is not to be sitting in the car talking to  
21 someone else. I wanted to be out of the car, that  
22 way if I need to run I can run.

23 **Q** You can run?

24 **A** If I was out and he started like chasing  
25 me or went to hit me, I could move.

1           **Q**     You are in a car, you are more mobile in a  
2     car than you are on foot, right?

3           **A**     Right. But I also didn't want him to run  
4     away, so I need to kind of stay where I can keep him  
5     there, keep myself safe and wait for someone to get  
6     there.

7                   MS. WHIRLEY: Okay.

8           **Q**     (By Ms. Alizadeh) Now, Officer Wilson, I'm  
9     not trying get in your head, I mean, I guess we all  
10    are trying to get in your head at some point to know  
11    what you were thinking at the time, but, I mean,  
12    your initial confrontation or your initial contact  
13    with them, I mean, you didn't see any of them with  
14    weapons, correct?

15          **A**     No.

16          **Q**     And they weren't subjects that you knew to  
17    be armed and dangerous?

18          **A**     No.

19          **Q**     And you stop and encounter pedestrians  
20    probably almost on a daily basis when you are on  
21    patrol, would that be fair to say?

22          **A**     Yes.

23          **Q**     And so did you at that point have any  
24    reason to anticipate that this, that Michael Brown,  
25    the Michael Brown subject was going to provoke or

1 be, or assault you?

2 **A** No, not at that moment, no.

3 **Q** You described the first shot, was his  
4 right hand on the gun when the shot went off?

5 **A** I believe so.

6 **Q** And then the second shot, was his body in  
7 contact with you on the second shot?

8 **A** Probably not on the second one. I know  
9 when I first pulled the trigger it was, but it  
10 didn't shoot and then that's when I racked the gun  
11 and then shot again.

12 **Q** And you used both hands, you had to use  
13 both hands to rack the gun?

14 **A** Yes, ma'am.

15 **Q** Was he still trying to hit you when you  
16 went to rack the gun?

17 **A** I didn't look up.

18 **Q** Okay. So you said you did that without  
19 looking and then you just went like that?

20 **A** Yes.

21 **Q** Turned your face away and shot out the  
22 window?

23 **A** Yes.

24 **Q** In his general direction?

25 **A** Yes.

1           **Q**     And so you can't really say whether his  
2     hands were inside the car or outside the car at the  
3     time you actually fired the second time, the second  
4     shot?

5           **A**     No, I can't tell you.

6           **Q**     The blood on your pants, do you know how  
7     the blood got on your pants?

8           **A**     No, I do not.

9           **Q**     Do you recall, I mean, when you were done  
10    and you notice that you have, you said you had blood  
11    on your left palm?

12          **A**     Uh-huh.

13          **Q**     And on the back of your right hand?

14          **A**     Uh-huh.

15          **Q**     Did you wipe your palm on your pant leg  
16    because it is on your left pant leg, correct?

17          **A**     Correct.

18          **Q**     Did you wipe your hand on your pant leg to  
19    get the blood off your palm?

20          **A**     Not that I remember. I didn't see the  
21    blood on my palm until I was driving back to the  
22    station.

23          **Q**     Okay. So you don't recall if you wiped  
24    the blood on your pants?

25          **A**     No, I don't know.

1           **Q**     And when you, at any time after you got  
2     back at the station, you went to the bathroom, was  
3     there a mirror in the bathroom?

4           **A**     Yes.

5           **Q**     Could you see any blood on your face?

6           **A**     No, I don't remember seeing any on my  
7     face.

8           **Q**     I would imagine that at some point in your  
9     training you have learned something about blood  
10    spatter and blood spray and so forth; is that right?

11          **A**     It is kind of common knowledge, but no  
12    official training on how it works.

13          **Q**     I know you are not an expert, but you know  
14    that can happen when you are in close range when  
15    someone is shot, correct?

16          **A**     Yes.

17          **Q**     That spray or spatter can get on you?

18          **A**     Yes.

19          **Q**     Did you ever see anything like that?  
20    Obviously, we have seized your clothing and what's  
21    on there is what's on there, but did you have any of  
22    that on your face or on your forearms or anything  
23    like that?

24          **A**     I don't recall seeing it on my face. I  
25    remember looking, I don't remember washing my face.

1 I would say no, it was not on my face. When I  
2 washed my hands, I did wash up like halfway up my  
3 forearm just to make sure nothing was on me. I seen  
4 it on my hands and I just started washing.

5 Q You didn't wash your face then prior to  
6 going to the hospital?

7 A No.

8 Q Did anyone that you recall ever swab your  
9 face?

10 A The outside of my face?

11 Q Yes.

12 A Not that I -- no.

13 Q Did anyone swab the back of your hands?

14 A No.

15 MS. ALIZADEH: I don't have anything else.

16 : When  
17 Michael Brown, I guess, I guess at the point where I  
18 want to say it was the second shot, I know this is  
19 kind of after the fact. You said he stepped back a  
20 little bit and then he came back in on you?

21 A That was after the first shot.

22 After the first shot?

23 A Yes.

24 Did you ever think about,  
25 I know you said your vehicle was running, did you

1 ever just think about getting in that bad boy and  
2 drive?

3 **A** No, I didn't. My thought is, I was still  
4 dealing with a threat at my car. You know, we're  
5 trained not to run away from a threat, to deal with  
6 a threat and that is what I was doing. That never  
7 entered my mind to flee.

8 : Did you ever or  
9 do you recall grabbing Michael Brown by the throat?

10 **A** Never touched his throat.

11 : Shoulder?

12 **A** No. Only part of him I touched was his  
13 right forearm.

14 : . When  
15 Michael Brown was running from you, after the shots  
16 were fired within the car and they both just  
17 disappeared and you had Michael in focus, did you  
18 ever at any time fire with his back facing you?

19 **A** No, I did not.

20 : When you asked him to  
21 halt, and he turned around and he, you know, stopped  
22 running, at any point did you ever think that okay,  
23 maybe he don't have a gun, I need to stop shooting?

24 **A** When he was running towards me?

25 : Throughout the whole

1 process. You're in the car and someone, you're  
2 struggling, tugging back and forth, did you ever  
3 think that he had a gun right then and there, he  
4 could have used it at any time?

5 **A** I wasn't thinking about that at that time.  
6 I was thinking about defending myself whenever he  
7 was hitting me in the car.

8 MS. ALIZADEH:

9 : . So kind of going  
10 go on that as well. So the comment that you made to  
11 your supervisor Sergeant when he got there at  
12 the scene was that he went for my gun, I had to  
13 shoot him. I think that kind of goes along with  
14 that. Because I think when I hear someone say he  
15 went for my gun, if I literally take that comment, I  
16 would assume that someone literally went to your  
17 holster and tried to pull it out. Either  
18 unholstering it or literally taking it from you.

19 And in this instance that was not the  
20 case. You had already unholstered and you were  
21 aiming at him. He essentially in his, your point of  
22 view and the point of view of who we can no longer  
23 obtain that, he deflected or pushed it towards you,  
24 but he did not at any point try to pull it from your  
25 holster is, I guess, my question?



1           **A**     He didn't pull it from my holster, but  
2     whenever it was visible to him, he then took  
3     complete control of it.

4                   MS. ALIZADEH: I can't hear you, sorry.

5           **A**     Whenever, he didn't pull it from my  
6     holster, but whenever it was displayed to him, he  
7     did take complete control. Because he had twisted  
8     it around so my hand was no longer this way, it was  
9     bent this way and it was dug into my hip. He had  
10    complete control of that weapon at that time.

11                               Was your hand, I'm sorry,  
12                   was your hand still on it and finger on the  
13    trigger?

14           **A**     Yes, ma'am, or yes, sir.

15                               : I wouldn't say he had  
16    complete control, I would say he had some control.

17           **A**     He was controlling where it went, how it  
18    went there and his finger was in the process of  
19    going on the trigger with mine.

20                               Okay.

21           **A**     I could feel his fingertips on my trigger  
22    finger trying to get in the trigger guard.

23                               Okay. When I just hear  
24    the word complete control, I think it is entirely in  
25    his possession and none of yours, that's the way I

1 feel is complete control.

2 **A** Okay.

3 MS. ALIZADEH: Anyone else have any other  
4 questions?

5 : . What's  
6 the chain of command at the Ferguson Police  
7 Department from chief down?

8 **A** Chief down would be chief, the assistant  
9 chief and then we have for the patrol side, I  
10 believe, our captain's next, the assistant chief  
11 just started a week before this happened. I don't  
12 know what was really ironed out between them two.  
13 After the captain, it is a lieutenant, sergeant,  
14 patrolman.

15 : I keep hearing this name,  
16 Lieutenant ?

17 **A**

18 MS. ALIZADEH:

19 :

20 **A** He is the assistant chief, lieutenant  
21 colonel.

22 Okay, thank you.

23 **A** You're welcome.

24 : One more question,  
25 When you got back to the police

1 department, after you washed off and everything, did  
2 you ever think at what time that I need to write a  
3 report while it is fresh on my mind?

4           **A**     No. The protocol is whenever you are  
5 involved in a significant use of force, that you  
6 contact your FOP representative and then he will  
7 advise you of what to do step by step because they  
8 are the clear head in that situation. They have not  
9 been through a traumatic experience.

10           MS. ALIZADEH: And I guess to be fair  
11 about this, any time any law enforcement officer has  
12 asked to speak to you, you have willingly and  
13 voluntarily come in and been interviewed and  
14 answered all their questions, is that fair to say?

15           **A**     Yes, ma'am.

16           MS. ALIZADEH: And you've never been back  
17 working at Ferguson Police Department since this  
18 happened, correct?

19           **A**     No, I have not.

20           MS. ALIZADEH: Did you, I mean, for your  
21 own sake, did you like write down in a diary what  
22 happened, I mean, not a diary or I guess a grown man  
23 would call it a journal, but you know, have you ever  
24 like, did you afterwards, you know, write this out  
25 for your own, you know, therapeutic needs?

1           **A**     My statement has been written for my  
2     attorney.

3           MS. ALIZADEH:   Okay.   And that's between  
4     you and your attorney then?

5           **A**     Correct.

6           MS. ALIZADEH:   Okay.

7           **A**     The department has not asked me for  
8     anything.

9           MS. ALIZADEH:   So no one has asked you to  
10    write out a statement.

11          **A**     No, they haven't.

12          MS. ALIZADEH:   You didn't just on your own  
13    decide I want to write this down while it is all  
14    fresh in my mind, you didn't do that yourself?

15          **A**     No.

16          MS. ALIZADEH:   This happens in the matter  
17    of how many minutes or seconds by the time that you  
18    saw them walking down the street until Michael Brown  
19    is dead in the street?

20          **A**     I would say less than one minute.

21          MS. ALIZADEH:   Less than one minute?

22          **A**     Uh-huh.

23          MS. ALIZADEH:   Now, you know, I know  
24    you've probably thought about this every day since  
25    it's happened, would that be fair to say?

1           **A**     Yes.

2                   MS. ALIZADEH: Replayed this in your mind  
3 over and over again?

4           **A**     Yes.

5                   MS. ALIZADEH: And do you think that after  
6 having really thought about this over time and  
7 basically you've had to tell this scenario a few  
8 times, do you think that if there are additional  
9 details that you may not give initially, do you  
10 think that's because you're just now remembering  
11 them because you are putting so much thought into  
12 what happened or do you think that is things that  
13 maybe you kind of imagined happened, but didn't  
14 really happen, you understand my question?

15           **A**     Yeah, just from what I have been told  
16 about the incident originally, is that you are  
17 supposed to have 72 hours before you are actually  
18 officially interviewed, recorded statement and all  
19 of that. You tend to remember more through a couple  
20 sleep cycles then what you do as soon as it happens.  
21 It is a traumatic event, a lot of details kind of  
22 come as one detail. I mean, from what I understand,  
23 there hasn't been really anything significant that's  
24 changed.

25                   MS. ALIZADEH: So you think that when you

1     were testifying today you said you kind of thought,  
2     had a thought process. As this chaotic scene is  
3     unfolding, do you recall actually in your mind  
4     processing this in the way you've described or is it  
5     all just reactionary?

6           **A**     No, I remember actually, I picture a use  
7     of force triangle in my head when this first  
8     happened and I was going through the progression of  
9     what I could do as far as the use of force continuum  
10    is concerned.

11           MS. ALIZADEH: That is something you  
12    learned in the police academy then?

13           **A**     Yes, ma'am.

14           MS. ALIZADEH: And you recall actually  
15    thinking that as this assault is occurring?

16           **A**     Yes.

17           MS. WHIRLEY: At what point did the use of  
18    triangle --

19           MS. ALIZADEH: Use of force triangle.

20           MS. WHIRLEY: Use of force triangle come  
21    into your head, what was going on when you start  
22    seeing the triangle?

23           **A**     Whenever I first start considering the  
24    spray, the taser.

25           MS. WHIRLEY: What was going on though?

24 Just a couple  
25 questions actually. The first one, we have heard a

1 lot of scenarios and witnesses involved and their  
2 timelines and activity. Anyway, we have heard a  
3 little bit about what you did that morning when you  
4 were on duty. The day before, typical shift, were  
5 you off that day?

6 **A** On Friday?

7 : On August 8th?

8 **A** I don't remember anything significant. I  
9 did work that day, but I don't remember anything  
10 significant.

11 : You said you did not work  
12 that day?

13 **A** I did work that day.

14 : Like 6:30 a.m. to  
15 6:30 p.m. shift?

16 **A** Yes.

17 Get a good night's sleep?

18 **A** From what I remember, yes.

19 : Okay. 6 to 8 hours?

20 **A** Yes.

21 : Felt rested, ready to go  
22 the next day. Just had to ask, curious. And then  
23 following the actual incident, you are back in your  
24 supervisor's car driving back to Ferguson Police  
25 Department. How far is that roughly from the crime



1 scene, the police department?

2 **A** Mile and a half, 2 miles.

3 : So very short trip?

4 **A** Yeah.

5 And that was my thought  
6 too, but being in communication, I think, you know,  
7 in that situation, my first thought is to contact a  
8 loved one and say, I can't believe what just  
9 happened and that was my thought. If there was any  
10 sort of communication from that point moving forward  
11 on a personal cell phone or anything else?

12 **A** No.

13 : So none whatsoever until  
14 you saw the officer at the Ferguson Police  
15 Department?

16 **A** Yes.

17 : Thank you.

18 : . Last  
19 question.

20 MS. ALIZADEH: It just left your head.

21 : I have it. I'm trying to  
22 word it. Dorian, did you ever tell the police chief  
23 or any of the other officers that there was another  
24 person with him, did you ever try to look for  
25 Dorian?

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1           **A**       No, I haven't talked to the chief or  
2       anybody at the department in length about what  
3       happened. I told my sergeant what happened at that  
4       time, that was the end of our conversations with  
5       anybody from the department.

6 . This kind  
7 of dovetails with her questions about Dorian. I  
8 understand that you did an interview August 28th  
9 with FBI agent; is that correct?

10                    **A**        Yes.

11                   Okay. At which time, I  
12    hope I'm getting this correct, I believe that there  
13    was, did they present to you a photo lineup of  
14    suspects or whatever?

15           **A**     The Department of Justice did not.

16 : The Department of Justice  
17 did not, what about the FBI?

18                      **A**                      No.

19 : No one did at that time.

20 MS. ALIZADEH: I think you might be  
21 thinking of the officer, Detective

22

23 Was that whose evidence?

24 MS. ALIZADEH: I believe so.

25 Okay. That would have

1     been on the date of, did they give you a photo  
2     lineup, Detective

3           **A**     I think it was the 10th, I think is when I  
4     did the follow-up interview with                     ,  
5     both detectives.

6                                     :                     , okay.  
7     And that would be                     right?

8           **A**     Yes.

9                                     :     Okay. And they gave you a  
10    photo lineup of, I think, eight characters or  
11    whatever?

12          **A**     Yes.

13                                     Okay. And you were  
14    required or they asked you to pick out Dorian  
15    Johnson at that time?

16          **A**     Yes.

17                                     Were you able to pick him  
18    out at that time?

19          **A**     I selected who I believe was Dorian  
20    Johnson, they never confirmed if it was or not.

21                                     They never did, okay. You  
22    don't know the results of that?

23          **A**     No, I do not.

24                                     Okay, thank you.

25                     MS. ALIZADEH: Just to be clear, you're

1 not in any way, are you?

2 **A** No, I'm not.

3 MS. ALIZADEH: Prior to this incident, had  
4 you ever had any contact with any of the county  
5 detectives that you've met throughout this  
6 investigation?

7 **A** No, I have not.

8 **Q** Any of the agents, FBI agents or federal  
9 agents involved in their investigation?

10 **A** No, I have not.

11 You felt like  
12 your life was in jeopardy when you were sitting in  
13 the vehicle?

14 **A** Yes.

15 You felt like when you  
16 exited the vehicle and the interaction with Michael  
17 Brown, he was advancing towards you, you felt like  
18 your life was in jeopardy?

19 **A** Yes.

20 : And use of deadly force  
21 was justified at that point in your opinion?

22 **A** Yes.

23 MS. ALIZADEH: Sheila?

24 MS. WHIRLEY: I was just going, if we are  
25 sort of done with your questioning, is there

1 something that we have not asked you that you want  
2 us to know or you think it is important for the  
3 jurors to consider regarding this incident?

4           **A**     One thing you guys haven't asked that has  
5 been asked of me in other interviews is, was he a  
6 threat, was Michael Brown a threat when he was  
7 running away. People asked why would you chase him  
8 if he was running away now.

9                     I had already called for assistance.  
10 If someone arrives and sees him running, another  
11 officer and goes around the back half of the  
12 apartment complexes and tries to stop him, what  
13 would stop him from doing what he just did to me to  
14 him or worse, knowing he has already done it to one  
15 cop. And that was, he still posed a threat, not  
16 only to me, to anybody else that confronted him.

17                     MS. WHIRLEY: Any questions?

18                     :                     . Along those  
19 lines, you feel like as a police officer it is your  
20 obligation to follow that suspect?

21           **A**     Yes, sir.

22                     MS. ALIZADEH: All right. If that's it  
23 then.

24                     (End of the testimony of                     and  
25 the testimony for September 26, 2014.)

1

2

3 State of Missouri

4

SS.

5 County of St. Louis

6

I,

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Reporter by the Supreme Court in and for the State

8

of Missouri, duly commissioned, qualified and

9

authorized to administer oaths and to certify to

10

depositions, do hereby certify that pursuant to

11

Notice in the civil cause now pending and

12

undetermined in the County of St. Louis, State of

13

Missouri.

14

The said witness, being of sound mind and being

15

by the grand jury first carefully examined and duly

16

cautioned and sworn to testify to the truth, the

17

whole truth, and nothing but the truth in the case

18

aforesaid, thereupon testified as is shown in the

19

foregoing transcript, said testimony being by me

20

reported in shorthand and caused to be transcribed

21

into typewriting, and that the foregoing page

22

correctly sets forth the testimony of the

23

aforementioned witness, together with the questions

24

propounded by counsel and grand jurors thereto, and

25

is in all respects a full, true, correct and

1 complete transcript of the questions propounded to  
2 and the answers given by said witness.

3 I further certify that the foregoing pages  
4 contain a true and accurate reproduction of the  
5 proceedings.

6 I further certify that I am not of counsel or  
7 attorney for either of the parties to said suit, not  
8 related to nor interested in any of the parties or  
9 their attorneys.

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1 COURT MEMO

2

3

4

5 State of Missouri vs. Darren Wilson

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Grand Jury, Volume V

12

13 9/16/2014

14 Name and address of person or firm having custody of  
15 the original transcript:

16

17 St. Louis County Prosecuting Office

18 100 South Central, 2nd floor

19 Clayton, MO 63105

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1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 St. Louis County Prosecuting Office

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5 Clayton, MO 63105

6 Total:

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1 Upon delivery of transcripts, the above  
2 charges had not been paid. It is anticipated  
3 that all charges will be paid in the normal course  
4 of business.

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6 515 Olive Street, Suite 700  
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set  
9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_  
11 Commission expires

12 \_\_\_\_\_

13 Notary Public

14

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